OFFICIAL RECORD OF PROCEEDINGS

Friday, 17 October 2014

The Council continued to meet at Nine o'clock

MEMBERS PRESENT:

THE PRESIDENT
THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, B.B.S., M.H.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P., Ph.D., R.N.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, S.B.S., J.P.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CYD HO SAU-LAN, J.P.

THE HONOURABLE STARRY LEE WAI-KING, J.P.

DR THE HONOURABLE LAM TAI-FAI, S.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN, J.P.

THE HONOURABLE CHAN KIN-POR, B.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.B.S., J.P.

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE NG LEUNG-SING, S.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN

THE HONOURABLE FRANKIE YICK CHI-MING

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

DR THE HONOURABLE KENNETH CHAN KA-LOK

THE HONOURABLE CHAN YUEN-HAN, S.B.S., J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, B.B.S., M.H., J.P.

THE HONOURABLE KENNETH LEUNG

THE HONOURABLE ALICE MAK MEI-KUEN, J.P.

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, S.B.S., J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

THE HONOURABLE TANG KA-PIU, J.P.

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, B.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE CHRISTOPHER CHUNG SHU-KUN, B.B.S., M.H., J.P.

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S.

MEMBERS ABSENT:

DR THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE WONG KWOK-KIN, S.B.S.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE HELENA WONG PIK-WAN

PUBLIC OFFICER ATTENDING:

THE HONOURABLE LAI TUNG-KWOK, S.B.S., I.D.S.M., J.P.
SECRETARY FOR SECURITY

CLERKS IN ATTENDANCE:

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL

MOTION FOR THE ADJOURNMENT OF THE COUNCIL

PRESIDENT (in Cantonese): Good Morning, Honourable Members. Meeting now resumes.

MOTION FOR THE ADJOURNMENT OF THE COUNCIL UNDER RULE 16(2) OF THE RULES OF PROCEDURE

Continuation of debate on motion which was moved on 15 October 2014

(Mr CHAN Chi-chuen stood up)

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, what is your point?

MR CHAN CHI-CHUEN (in Cantonese): President, I request a headcount.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members entered the Chamber)

(Mr SIN Chung-kai stood up)

MR SIN CHUNG-KAI (in Cantonese): Point of order.

PRESIDENT (in Cantonese): Mr SIN Chung-kai, what is your point?

MR SIN CHUNG-KAI (in Cantonese): President, may I ask whether a Member is prohibited from bringing offensive weapons into the Chamber under the Rules of Procedure? I notice that Mr CHAN Chi-chuen and Ms Claudia MO are in possession of offensive weapons, and I worry about them attacking Mr LEUNG Che-cheung.

(Mr Christopher CHUNG stood up)

PRESIDENT (in Cantonese): Mr Christopher CHUNG, what is your point?

MR CHRISTOPHER CHUNG (in Cantonese): President, point of order. Since a Member considers and agrees that those objects are offensive weapons, I hope the President will remove those offensive weapons from the Chamber.

PRESIDENT (in Cantonese): According to the established rule, objects brought by Members into the Chamber for display must, first, be directly related to the business being transacted at the meeting, and second, not causing obstruction to other Members in the Chamber. These principles have not changed.

This Council will continue with the motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedure.

Ms Claudia MO, please speak.

(Mr Christopher CHUNG stood up)

MR CHRISTOPHER CHUNG (in Cantonese): President, point of order. In what way do you consider those umbrellas related to the question now under discussion? Please explain.

PRESIDENT (in Cantonese): I have already said that objects now displayed in the Chamber are not in contravention of the Rules of Procedure for the time being.

Ms Claudia MO, please speak.

(Mr MA Fung-kwok stood up)

PRESIDENT (in Cantonese): Mr MA Fung-kwok, what is your point?

MR MA FUNG-KWOK (in Cantonese): I consider those objects obstructing my line of sight, preventing me from seeing the delivery of speech by and condition of nearly one third of Members.

MS CLAUDIA MO (in Cantonese): One third?

MR MA FUNG-KWOK (in Cantonese): I cannot see them.

PRESIDENT (in Cantonese): Mr MA Fung-kwok, please point out which object is obstructing your line of sight?

MR MA FUNG-KWOK (in Cantonese): That placard in front of me and that umbrella.

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please move your placard and the umbrella.

(Mr CHAN Chi-chuen moved the placard and umbrella away from the table)

PRESIDENT (in Cantonese): Honourable Members, this debate on motion for adjournment started in the evening the day before yesterday and it continued for the whole day yesterday. During the meeting yesterday, due to the need to do headcounts, the Council had to spend more than 40 minutes on ringing the summoning bell to summon Members to return to the Chamber. The Council meeting will adjourn at 1 pm today, for the meetings of the House Committee and the Finance Committee will be held in the afternoon. The Secretariat and the Legislative Council Commission have made a lot of efforts to enable this Council meeting to be held smoothly, will Members please treasure the meeting time.

Ms Claudia MO, please speak.

MS CLAUDIA MO (in Cantonese): President, I find it most shocking that Mr Christopher CHUNG does not even see how this yellow umbrella is related to the issue under discussion now. International media all over the world have said most clearly that this is Hong Kong's "Umbrella Movement" or "Yellow Umbrella Movement", while some people call it "Umbrella Revolution" … President, he is disturbing me.

(A Member was speaking in his seat)

PRESIDENT (in Cantonese): Will Members please remain silent when it is not their turn to speak.

MS CLAUDIA MO (in Cantonese): How wise you are, President.

PRESIDENT (in Cantonese): Ms MO, please continue.

MS CLAUDIA MO (in Cantonese): President, the political reform of Hong Kong has really entered a full-scale … He has left of his own accord. Let it be.

The political reform of Hong Kong has really entered an era of full-scale struggle, but the relationship between the Police and the people in Hong Kong must really try to at least work out a great reconciliation. I do not mean to speak in favour of the Police; nor do I mean to argue for the protestors. In a civilized society, anyone who is in trouble will certainly say that he will call the Police but after the Police have arrived and if he said that he does not quite trust the Police, that would be most worrying.

But in the entire incident, we actually saw, at least in terms of the Police's image, or from the impression we were given, that the Police had not only connived at or condoned but even encouraged (they made people feel that they were encouraging) and at the same time supported suspected triad members in attacking the peaceful protestors. The most typical scenes are obviously those happened in Mong Kok. Today, we heard in the early morning that in Mong Kok, actions were taken to remove barricades, not a clear-out operation though. But a female protestor who has been staying there said most clearly on television,

"The area is cleared today, but will I also be cleared tomorrow, or will I be cleared the day after tomorrow?" After all, this is a movement that fights for genuine universal suffrage and genuine democracy. The Police have to carry out their work in reality. The whole incident is entirely caused by the LEUNG Chun-ying Administration's turning the Hong Kong Police Force into the bad guys, and the people feel that there is almost nothing that they can do properly.

President, I had been visiting the Police Headquarters for some time in the past, and I had been talking with them on issues relating to the media workshop then. The Police do not understand one point. Police officers are human beings and they certainly have emotions, too. This, we all know. But the people are also human beings. The point is that they are not in an equal position. Their positions are unequal. Being police officers, they put on their uniforms and arms, and they have powers. Of course, I also said to my friends who are policemen, "You are the victim of Hong Kong's politics. I made this very clear to them. But the front-line police officers could not join my media workshop. This media workshop was not organized by me. I was only rendering it assistance.

In the entire incident, while the barricades are removed today, there will be people erecting barricades again tomorrow, and nobody will disagree that this can be dangerous. Anyone who drives past these places and thinks that nothing could go wrong will, due to momentary oversight, find it too late to brake when suddenly a barricade comes into sight. But can you say that the protestors are all wrong? We have put up so many fights for so long, and what are we fighting for? This is known to all in the world.

What exactly can the Police do now? They must be honest and candid. Concerning the scene of the deployment of tear gas, the senior management of the Police adamantly refused to admit their mistake and even commended the policemen for doing a good job, but they were not the ones who were injured. I was there at the time, and I thought I should not be affected as I was two streets away. Never could I have imagined that when the wind blew and I took just a small breath, I immediately felt a condition of severe burns in my air passage. Why should I be subject to the force used by the Police? Was that really necessary? Can the Police be more candid, honest and sincere in order to rebuild the trust between the Police and the people? The situation now is that not only Hong Kong people have doubts about whether the Police are trustworthy, but even to the Police, I have reasons to believe that some policemen

will say, "I do not trust him either. He will complain about me and accuse me of abusing my powers or whatever when I enforce the law". What has caused society to become like this?

On the deployment of tear gas, can they make remarks that are more modest and do not further stimulate public sentiments? They can say that perhaps it may probably be believed that the use of tear gas may not necessarily be required. The protestors were unarmed at the time, but the Police said that cling film could be a weapon. Now that someone in this Chamber has also defined an umbrella as a weapon. Fortunately, President Jasper TSANG did not share this view and let me put this umbrella here. This is freedom of expression, just as we have freedom of protest and freedom of assembly, and Hong Kong basically should remain to be a free society. There are certainly limits to freedoms. You said that it is the duty of the Police to remove barricades. Sure, go ahead if you have to. A clear-out operation was launched at around five o'clock this morning when the people staying in Mong Kok were the weakest in terms of their spirit and will. No "hypocritical rhetoric" was necessary. Go clear the place, for that can minimize conflicts and most people will also consider this the best. But please do not clear the place at two o'clock in the afternoon, or else they would be courting troubles for themselves.

President, with regard to the protests and assemblies currently taking place in Hong Kong which are known as the "Yellow Umbrella Movement", a great majority of people have formed their impression from the media because not everyone stays in the occupied areas, and I particularly thank the television for making live broadcasts. With regard to the scene of a protestor being assaulted, the television station deleted from its report four Chinese words "拳打腳踢" (raining kicks and punches). Never mind, because when it acted against the media's professional code of ethics, this is its own problem, but the footage shown on the screen will not lie as everybody can still see that they are raining kicks and punches on him. However, when, for example, this Mr LAI was speaking on behalf of the Police ― Yes, the police chief has gone missing now and we do not see him coming forth to make remarks ― Mr LAI went so far as to say that justice lies in the people's hearts. No matter what had happened, the Police have the power to make arrests. Go arrest him, but the Police cannot assault him in such a way, and this is a fact seen by all of us. When we questioned whether the Police officers involved had been transferred or suspended, he was unable to give an answer and again resorted to "hypocritical rhetoric", saying that they had been transferred away from their original posts. What does that mean? Were they told to go home or only transferred from the

Hong Kong Island Region to the Kowloon West Region? The Police did not give an answer. It was only after one whole day that they announced that the police officers had not been transferred but suspended from duty. They can say that in order to uphold procedural justice, they must look at what happened more clearly, but they had spent most of the day looking at it and still failed come to a clear view. If this happened in ordinary life and when somebody saw a person beating someone, the Police will immediate make an arrest because this is a criminal act and actions should be taken immediately to arrest the person involved.

President, the Police are the "受害人"[1] of Hong Kong's politics (or rather, they should be the "受害品"[2] because the Police are not represented by one person), but at the same time, they have given people the impression that they are shielding their shortcomings. The Police's morale is certainly important, because he does not want to become "Sorry Sir" and this, we all understand. But when the police spokesman had gone so far as to use four Chinese words, "光明磊落" (open and aboveboard), in commenting on the incident of assault of the protestor, people have the feeling that this is most undesirable.

President, I have been in Mong Kok for a number of days and I did not see any policeman patrolling on the street for several days in a row. Of course, that was what I saw at an earlier time, but I truly feel strongly that it was deliberate. The intention was to pave the way for sinister-looking suspected triad members to attack the peaceful protestors in cruel, ruthless ways. Some people said that the protestors were not entirely peaceful either. Buddy, any normal person who sees someone ferociously charging towards him will do something to defend himself, whereas the Police there gave people the impression that they were just looking on with folded arms and all they did was to tell everybody to keep calm and keep clam. They were even not equipped with helmets and shields. Then, those fierce-looking, burly men charged at the protestors, but there were women and children among the protestors. The Police gave people the impression that they were not only looking on with folded arms, but they were downright at a loss as to what they should do. They made people feel that they were unable to do anything or they deliberately did not do anything. This is a strategy, right? Tell me how badly our feelings have been hurt in this incident.

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[1] "受害人" literally means the victimized person

[2] "受害品" literally means the victimized thing

Politics is perception. Now that the Police have left such an impression on the people, especially as their deeds were actually fully exposed on the television screen, and what is more, the more explanation being made, the more confusing their explanation is as evidenced by their remarks about cling film and umbrellas. Besides, some other weird remarks have been made but those about cling film are still the most laughable. I believe everyone must have cling film at home, especially we housewives in our kitchens, and it is now said to be an offensive weapon (攻擊武器) ― it is not necessary to say "攻擊性武器"; "攻擊武器" is fine ― In a kitchen there must be knives for cutting vegetables and generally we do not carry a knife with us on the street, but I am not at all sure if anyone would carry a scout knife, a nail clipper, and so on.

I urge him not to keep on making remarks that serve only to provoke public outrage. I originally wanted to say public discontent but it is really public outrage. What exactly is he doing here? Why does he act as a political tool and a political mouthpiece of the Government? Why can he not say that ― He is certainly going to say again that the Police are neutral and that they are purely responsible for enforcing the law. Let us be frank. When SZETO Wah was still with us, on 4 June one year he placed a very tall Goddess of Democracy statue at the entrance of Times Square (the statue was later given to The Chinese University of Hong Kong; I was also there when it was given to the university and so, I have had a deep impression). When the Police came to clear the place, their reason was that the Goddess of Democracy statue did not have a Places of Public Entertainment licence. Afterwards, I asked my friend who is a policeman whether it was an order from the high echelon because the reason was laughable and he really said in reply that it was higher than the high echelon! I asked him at the time, "From high up, eh?" He answered, "Very high up." Had this not done injustice to the entire Police Force?

This assault case is just the same. Everybody saw those scenes on television, and it is actually impossible for the Police to argue against the allegations, unless TVB News was shooting a drama series then and it was an edited version that went on air. There is actually this view. It has been learnt that members of some pro-government activist groups have really put forward this view. But this footage was shown before our eyes. Why could Secretary LAI Tung-kwok not be more candid and sincere in his speech? There must be black sheep in every trade. Among the journalists there are journalists who lack integrity; and in the legal profession there are set to be bad lawyers, and even in the social worker sector there are bad social workers, too. Such being the case,

how can it be true that there are no bad cops in the Police? The Police should admit this point. It should tell us that the reputation of the entire Police Force should not be smeared because of some obviously inappropriate acts by a handful of policemen. Had he put it this way, we would not have kept feeling a chill down our spine because of his remarks.

President, Hong Kong does need to have basic harmony, but we have already entered an era of full-scale struggle. As I always say, all I hope is that when we need to call the Police in our daily life, the Police and the public will have trust in each other. Thank you.

MR CHARLES PETER MOK (in Cantonese): President, I believe that you will definitely remember lyrics a golden oldie penned by James WONG in the 1970s and entitled "A Real Man". Let us read the lyrics to find out the public's expectations for the Police Force:

> "How many times must a real man endure hardships throughout his life?
> How many times must a real man face loneliness, disappointment and anxiety throughout his life?
> Braving cold rains and strong winds, makes a man even nobler,
> An upright man of indomitable spirit will never bow, with nothing to hide."

I should thank Members for their indulgence. A real man should behave in this manner. Although the description of policemen as real men in the past smacked of chauvinism, it was clear that policemen then were portrayed as upright men who would never bow and had nothing to hide. Over the past two days, we have in this Council heard many Members and government officials talk about the tremendous pressure faced by police officers. Decades ago, in order to get rid of their image of being corrupt and having ties with triads, police officers worked so hard that they constantly faced loneliness, disappointment and anxiety. Although they had to work hard as they do today, they needed not rely on the support of the group the name of which starts with the word "Voice"[3].

I have no intention to criticize in my speech today the acts of police officers because I truly believe that most of them, including many of those I

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[3] Voice of Loving Hong Kong (愛港之聲)

know, are professional and take their jobs seriously. Did Members hear the remarks made by Joshua WONG and Ken TSANG personally? They said that not every police officer treated protesters with violence and warned protesters not to provoke or confront front-line police officers by verbal or other means. Last night, Joshua WONG said, to this effect, "I implore everyone not to let themselves blinded by anger, not to treat police officers as a tool to vent their anger, and not to vent their emotions on the officers. We are here to protest, not to vent our emotions." Unfortunately, in this Council in the past two days, I have seen many Members vent their anger arising from their opposition to the people's fight for genuine universal suffrage. Moreover, blinded by their anger, they are now venting their emotions.

During the four hours or so of responses to the urgent oral questions raised by Members in this Council the day before yesterday, the Secretary for Security, on the one hand, acknowledged receipt of several hundred complaints which were regarded as very serious and, on the other, heaped praises on the Police for their high degree of professionalism and excellence, describing them as unrivalled in the world for being "highly restrained, unbiased and performed their duties wholeheartedly and uncomplainingly". I think that the Secretary is far from neutral, and biased. His remarks are exactly the same as those made by pro-establishment Members two days ago. I am worried that his praises of the Police will only harm the Police Force.

During the arrest of Joshua WONG, who was a minor at that time but has now attained full age, in the evening of 26 September, the Police used force and detained him for nearly 48 hours without any reason. Finally, he had to resort to the legal avenue before the Court ordered his release. On 28 September, in order to block the entry of more protesters into Tim Mei Avenue, the Police cordoned off a footbridge linking with Admiralty Centre, thereby opening a can of worms, in the sense that several thousand protesters were caused to flock into Harcourt Road. Later, the Police resorted to the so-called minimum force by using pepper spray and fired up to 87 tear gas canisters at unarmed protesters. No wonder the Chief Secretary for Administration said subconsciously that the force used was actually "violence".

Later, triad members were seen launching attacks in Mong Kok and Causeway Bay, hitting anyone on the streets. Hence, many people think that the Police must be collaborating with them. In all fairness, I think the Police might be besieged by the triad members due to poor preparations and attempted, in

panic, to bring the matter to an end by letting the bullies who were beating up protesters off the hook, without realizing that such an attitude of providing services did not work anymore in the present-day world. Undeniably, the police actions were problematic right from the beginning. What do I mean? The police officers had a mindset of distinguishing between the enemies and themselves, regarding protesters as their enemies. However, the enemies of their enemies are not treated as enemies, even if they are not friends. As a result, these people will be let off the hook. However, will this not affect the neutrality of police officers in enforcing the law? I do believe that the neutrality of the Secretary is affected in a similar manner. Judging from the Secretary for Security's comments and attitude, protesters and members of the public are treated by him as antagonists across the board. Actually, we can see signs of a worrying attitude of biased enforcement of law on the part of Policy Bureaux and the Police Force.

I went for an inspection of the circumstances on the day when Queensway was reopened by the Police. From my observation, coupled with my conservation with the people on the scene, the Police were attempting to bring the protesters' guard to the lowest level on the pretext of repossessing government properties. Coincidentally, anti-Occupy Central people were very often found arriving with the Police at the same time. What was their manner? Not only were they shouting loudly and armed with sharp objects, but they also besieged the Occupy Central protesters. On that day, a crane was even deployed to remove metal barriers, though the Police said in response to an enquiry by a member of the public that it was not a police vehicle. Why could the Police allow a private vehicle belonging to an unknown owner to remove police properties and those belonging to protesters at the same time? Even though the scene unfolded before the very eyes of police officers, the latter took no notice of it. When the protesters complained that they were robbed of their personal belongings and expressed their wish to report the matter to the Police, the police officers told them to go to North Point in order to do so. The police officers were actually teasing them, am I right? Protesters were treated in that manner because they were regarded by police officers as their enemies, which meant that they did not need to be treated politely.

Protesters were facing the same circumstances in Queensway on that day and even in Mong Kok last night. Regardless of the handling by police officers, from an objective point of view, we have actually seen on many occasions — except in Mong Kok last night — that the Police were working hand in hand with

anti-Occupy people. The Police might not be aware of their own biased attitude, and that is the problem exactly. Feeling good, they are not even aware of their failure of maintaining neutrality. I believe such a persistent good feeling has caused the police officers to accept many fallacious arguments and continue to talk with fervour and assurance without noticing any problems. For instance, they pointed out repeatedly that that protesters were wearing such protective gear as goggles and cling film indicated that they had the intention of launching an attack. Naturally, police officers did not find that there was any problem with removing their goggles and then aiming pepper spray at their eyes direct because their protective gear was actually offensive.

A couple of evenings ago ― it appeared to be better last evening ― an incident occurred when police officers came to clear the scene after some protesters had rushed into Lung Wo Road. Many of these protesters were there in response to a call on the Internet. We could see on the television that whenever the protesters made a slightly bigger move, police officers would react with actions 10 times as big as if they were spellbound, chasing and beating protesters, including Ken TSANG. Furthermore, they were seen attacking protesters at close range with pepper spray and did not stop until they reached Tamar Park ― I have no idea of its distance from Lung Wo Road. Police officers would hit everyone in their way, whether or not they were protesters. I think that police officers might have reacted in that manner due to pressure, but everyone is under pressure. The point is how they face it. In particular, how should police officers, with such powers and force, face pressure?

An incident involving the assault of Ken TSANG by seven police officers earlier has been described by a number of foreign media as police brutality. According to some criminologists, many law-enforcement officers might feel that their powers are above society and even regard themselves as above the law due to their frequent contact with unruly elements. Some police forces in overseas countries will address this problem rather than evading it. For instance, a study was conducted in Canada on the systemic causes of police brutality and found that according to the typical police culture, a clear line was drawn between policemen and their enemies, and that was the crux of the problem. It was also pointed out that police officers were particularly prone to resorting to brutality and violence in dealing with some political incidents.

We have all along maintained that political issues should be resolved by political means, but the SAR Government and LEUNG Chun-ying have been

treating political issues as transport issues, saying that the incident will "smash the people's rice bowls". Obviously, he has no intention to solve the real problems in treating the incident as a local community economy issue. Instead of conducting political negotiations, the Government has now succeeded in causing groups of people to fight among themselves by way of a delaying tactic. While LEUNG Chun-ying can be regarded as "acting evasively", Andy TSANG, also known as "Number One Man", is nowhere to be found. I wonder if we can report his missing to the Secretary for Security. Hence, front-line police officers are required to face all the pressure on his behalf. Actually, Andy TSANG should be the one who sits here today to be held accountable. I would like to emphasize again that I do not believe all police officers are triad-related. However, purely denying the existence of this problem is even more irresponsible because the behaviour of individual police officers will definitely affect the entire group and reflect mistakes of an even deeper and more systemic nature. The Police Force's culture is indeed fraught with problems and crises.

Let us come back to the decision made by the Police at 6 pm on 29 September to deploy tear gas to clear the scene. After the incident, members of the community, the media and Members of this Council kept questioning the Government but interestingly, the Chief Executive and the Chief Secretary for Administration drew a clear line, saying that the decision was made by the commander on the scene. The Chief Secretary for Administration even described herself as an outsider, whereas the Chief Executive said that it was commonsense, giving people an impression that "he had nothing to do with it". How would you feel if you were the commander? If you were a front-line police officer, how much support do you think you have? Despite the tremendous pressure faced by police officers in confronting protesters, these high-ranking officials have made such remarks to shirk their responsibilities. Certainly, police officers have the full support of the Secretary for Security, but what sort of support do they get from officials in the higher echelons? Recently, Members might have seen the reference in some posters to Principle IV of the Nuremberg principles, which reads, "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.". Though this incident is certainly not an international war, Members may still refer to this principle. Actually, can some police officers opt for disobedience and refuse to launch such attacks on those Hong Kong people, young people and even secondary students expressing aspirations for peace?

President, the present developments of the Occupy movement are a cause of concern to us because we have seen some clashes in many evenings. The masses already feel utterly hopeless about the Government and LEUNG Chun-ying because they can absolutely not see from the Government's response any intention to resolve this incident. The Government merely intends to stir up struggles among the masses, thereby placing police officers in the middle of two contending forces. This is LEUNG Chun-ying's political means. Police officers beware.

Political issues have to be resolved by political means. However, members of the public are being told that political issues cannot be resolved by political means, when the Government keeps saying that resolution of the political issues is out of the question. Over the years, the pro-establishment camp has been currying favour with the Central Authorities and refusing to voice the aspirations of the public and make their voices heard, thereby causing the gap between the Central Authorities and the public to widen continually. Honest advice is definitely unpleasant to the ear. How many times has the pro-establishment camp tendered unpleasant advice to "Grandpa"? One is regarded as a loyal official only when he dares make remarks not to the liking of "Grandpa", or else he will be regarded as a stupid official. Eventually, "Grandpa" will be harmed, and so will the country and Hong Kong.

President, summing up the Police's handling of people's assemblies, I think that the culture of the Police Force is seriously problematic. Moreover, police officers have been sacrificed and victimized by LEUNG Chun-ying and the SAR Government because political issues are now pending resolution by front-line police officers. How can they deal with the public's aspirations for genuine universal suffrage? If front-line police officers are to regain respect and support from the public, they must not simply rely on the blind support by the pro-establishment camp and the group whose name starts with the word "Voice". Furthermore, they must accept to be held accountable. If a handful of police officers have committed some illegal acts, the matter must be dealt with expeditiously in an open and solemn manner, with prosecutions being instituted immediately. Now, the higher echelon of the Police Force refuses to come forth to assume responsibility and Andy TSANG is nowhere to be found. He must be hiding behind front-line police officers or his superior. So, I must say that Andy TSANG has to be held accountable and step down.

President, regarding the future circumstances, I feel very much concerned that police officers will definitely clear the scene. Now the Police keep repeating every day that they are merely removing barricades, not clearing the scene. Exactly like LEUNG Chun-ying, they are using "hypocritical rhetoric". What should they do before they are taken as clearing the scene? When will they do so? Should the Government fail to give a political response to members of the public, with their call for the stepping down of LEUNG Chun-ying receiving no response, the situation will definitely become very worrying should it persist.

Yesterday, Mr LEUNG Kwok-hung made a public appeal to members of the public. He called on them to refrain from creating disturbance by means of isolated acts of road blockage, saying that the movement had reached a stage where it could be smeared easily, to avoid being used by the pro-establishment camp and the violent regime as an excuse to clear the scene. I cannot agree more with him on this point. We must preserve our strength and continue to bring our ideas to every corner of the community. We have to believe that our persistence must last longer than the lifespan of the LEUNG Chun-ying Administration. Political issues must be resolved by political means. The Government must no longer play with the public and the Police, frame the Police, or stir up struggles among the masses. It is said that let the one who ties the bell on the tiger take it off. The conflict between the public and the Government centres around the decision of the NPCSC and LEUNG Chun-ying himself. Only through a dialogue pinpointing these two issues can Hong Kong have an opportunity and a future. Only in doing so can our next generation have a better tomorrow and can our Police Force prevent itself from being placed in the middle of two contending forces.

President, I so submit.

MR KENNETH LEUNG (in Cantonese): President, I have not prepared a script for my speech today, for what I am going to say is what I have got in mind, coming from the bottom of my heart.

Yesterday, I heard many Members from the pro-establishment camp speak heaps of nonsense. All they knew was to read from their script and they only said "yes" but never said "no". The logic in their arguments was shocking. Many of these Members from the pro-establishment camp said that the Police

were facing great pressure in the Occupy Central movement. They had to work long hours and their families were worried about them. But I ask these Members not to read from their scripts. Dr CHIANG Lai-wan said yesterday that we from the pro-democratic camp were not qualified to criticize the Police because we had never undergone any training in police work. I wish to tell them, I am perfectly qualified to express what I feel about the Police. So listen to me carefully.

I remember very clearly that it was 17 October three years ago, because the photos taken on that day are stored in my computer. On that day I was invited to go to Gallant Garden early in the morning. There were people from the Local Inspectors' Association and rank and file police officers as well. That day was one of the two occasions in a year on which tribute was to be paid to the dead. The aim was to remember those officers, including police officers, who died in action. A person from the Local Inspectors' Association told me that he had vowed to be a policeman when he was young and apart from keeping public order and serving the people of Hong Kong, if he died on duty, there would be a place reserved for him for people to remember him. This shows the kind of spirit which the Police of Hong Kong have been holding all along.

During my four years of serving as a member of the Independent Police Complaints Council (IPCC), I have had the chance to come across 1 200 different cases. About these cases of complaints against the Police, I can say that 90% of them are not substantiated. Hong Kong has an outstanding Police Force and it has been acclaimed the best police force in Asia and the world. Why is it that during these past few months or even ever since LEUNG Chun-ying has assumed office, the Police Force have constantly come under criticisms? I think there are two reasons for it. First, it would be a grave problem if the Police Force lose its professionalism and neutrality and if it is relegated into a tool for maintaining political stability like the public security force on the Mainland. I will not criticize the front-line police officers today, nor will I criticize the management in the Police. This is because the cause for all these troubles is this Government and all the accountable officials in it. The Commissioner of Police, Mr TSANG Wai-hung, the Secretary for Security and the Under Secretary for Security, plus the Chief Executive, Mr LEUNG Chun-ying, if you people are going to turn the Police Force into a political instrument, I dare say this Force will cease to be the Police Force of Hong Kong people and it will rightly lose its credibility.

We can see that over the past three weeks, the Occupy Central movement has triggered off a number of clashes of various scales and we know that the Complaints Against Police Office (CAPO) has received about 500 complaints. However, and as I have said, I understand that the front-line police officers have too many decisions to make and too many actions to take at the split of a second. Of course, and as we dial the clock back a few days, we may find that they should not have handled the situation that way. But after coming into contact with so many of this kind of cases, I can say that I can see why police officers make mistakes and what kinds of actions can be classified as those belonging to the so-called mitigating circumstances. This is clear enough. I can tell Members now that the great majority of police officers discharge their duties faithfully. But they must be held accountable for what they have done.

When the Occupy Central movement started, I was not in Hong Kong but in Germany. After the Police had fired tear gas canisters at the protesters, the overseas media began their massive coverage of the story and asked the Hong Kong Police to account for what they had done. We can see a crowd of unarmed and peaceful protesters being rained by 87 tear gas canisters at short notice or even without any warning issued. People from the pro-establishment camp will certainly ask me whether or not I was in the United Kingdom or the United States. But I was actually in Germany. There is no reason why dozens of newspapers there would pose the same question in their front pages as to whether any foreign influence was involved. Is this possible? Newspapers from various countries all report in their front pages the Umbrella Movement and the Occupy Central movement. As for the deployment of tear gas, Secretary LAI Tung-kwok spent five hours explaining it. But never did I hear anything new from him. President, am I so dumb? Or is it because the Secretary was just reading from his script all the time?

I have one more question to ask. Why are ordinary members of the public not allowed to read the Police General Orders? Is it because they have a low IQ? Or are they illiterate? Why is the document only placed in the Legislative Council Library for perusal by Honourable Members? This Police General Orders is only a document and a set of rules to regulate police conduct. Why is it regarded as a confidential document? What are they afraid of? Why can members of the public not be allowed to understand the steps and actions taken by the Police in law enforcement? Secretary T K LAI, please respond to this question seriously.

After the tear gas incident, I returned to Hong Kong a few days ahead of schedule and I was able to witness a shocking scene. It was in Mong Kok where a large group of suspected triad members, organized and uniformed, attacked the peaceful protesters in broad daylight in a planned manner. On that day, the Police were unable to take effective actions to stop or arrest these suspected triad members because of the deployment already made or the lack of equipment. These people were armed and organized and they carried out the action in a planned manner. About this incident, the Secretary for Security must offer an explanation. And I have been given to understand that most of the some 500 complaints lodged are about this incident in Mong Kok. It is also because of this incident that Hong Kong has made a name abroad and found a place in the front page of international media. Secretary for Security, you must explain why in the incident the Police had not made sufficient deployment to deal with the situation and why those provocateurs were not arrested.

Another incident is of course the assault which took place in the morning two days ago. Many Honourable colleagues have asked Secretary T K LAI why action is being taken so slowly. His first reaction, and I remember that his instant response was "We do not have any information on that.". The same instant response from the Police was also "We do not have any information on that.". Had he the smallest grain of wit, he should have said that the matter was presently under investigation. What he has done has destroyed the image of the Police in the eyes of the public.

Then he said that the police officers in question had been transferred to other posts. If the established position is to suspend the duties of these police officers, why did he not say that the police officers had been suspended from their duties? This is because if the incident is a serious case of assault, it is not proper if these police officers are transferred to civilian duties as they will have a chance to come into contact with members of the public. So why did the Secretary not simply say after the incident in reply to a question from Members that these police officers were under investigation and they had been suspended from their duties. Why did he have to wait for such a long time before saying that? The Secretary for Security has to give an explanation on that.

I will not criticize the front-line police officers or even the management of the Police, because they have become a political instrument. So it is all those accountable officials who have to be held accountable, and they include LEUNG Chun-ying, the Secretary for Security and TSANG Wai-hung, the "Number One

Man" of the Police Force. They are the persons who started the whole thing and they must apologize to all the police officers in Hong Kong.

As a member of the IPCC, I am glad to see that we have such a good regulatory body to monitor the handling of complaints by the Police. Certainly, some people have asked me why the IPCC does not have any investigation power and whether or not it is fair for the IPCC to hand over complaints from the public to the CAPO. In my four years of service in the IPCC, I have had many opportunities of coming into contact with many members of the Police Force. I went with them to Mong Kok when they inspected the licences at two o'clock in the morning. And I have made many exchanges with front-line police officers as well.

The IPCC is a very good monitoring body. Of course, I cannot say that it is perfect. A question is: Do we need more resources? For serious cases ― I mean, serious ones ― should we be given the power to initiate investigations? The public does not seem to know what the IPCC is doing. This is especially the case during these few weeks past. As a matter of fact, we are subject to the regulation of a set of rules and this means we can only monitor the way the Police handle complaint cases. Other than this, we still have two functions and one is to make recommendations to the Commissioner of Police and the Chief Executive in the hope that procedures adopted by the Police can be improved, thereby reducing the number of complaints against the Police. This I would think is a very important function.

The other function is to educate the public so that members of the public can understand what the IPCC is doing. Many citizens come to the IPCC to lodge complaints against the Police and we will refer these cases to the CAPO. For all these issues such as resources or the conferment of the power to conduct investigations into special cases, I hope that the Government can think about them seriously.

President, one thing I am enraged to see is that there are people who want to turn the IPCC into a rubber stamp. Despite the fact that members of the IPCC come from different segments of the political spectrum, I am convinced that when they examine the complaint cases in their capacity as members of the IPCC, they will take off their political hats. And I firmly believe that it is necessary for them to do so. But if LEUNG Chun-ying treats this body as a venue where political bounties or rewards are shared and doled out, I am indeed worried that

one day the IPCC will be relegated into a rubber stamp. This is something we should all note. And I also wish to sound a serious warning here. If he wants to turn a monitoring body into a rubber stamp, it will certainly become an international laughing stock and once that happens, all the Members of this Council, the public and also the media will never let him get away with it.

President, I so submit.

IR DR LO WAI-KWOK (in Cantonese): President, the subject of this motion for the adjournment of the Council is a debate on the handling of people's assemblies by the SAR Government and the Hong Kong Police since 26 September this year.

The disturbance of the Occupy Central action has so far persisted for 20 days. The daily life and even the livelihood of many members of the public have been affected. There are voices that strongly oppose the Occupy Central action in society and the action is not characterized by "love and peace" or "non-violence", as claimed by its advocates. Not only has the number of occupied areas exceeded that announced in advance by the advocates, with the occupation of the Central District turning into the occupation of Admiralty, Mong Kok and Causeway Bay, the situation has also obviously got out of hand. Not only are there no clear signs of a peaceful resolution in the near feature, scenes of irrational and even violent clashes have also occurred from time to time, so the development of the situation is a great cause for concern. In these circumstances, if all parties can present the facts, engage in rational discussions calmly and peacefully, explore the handling of people's assemblies by the SAR Government and the Hong Kong Police and propose feasible and constructive proposals conducive to the resolution of the present predicament and chaotic situation, I believe all would welcome this.

Unfortunately, the speeches delivered by quite a number of Members of the pan-democratic camp were often based merely on individual incidents, part of the facts and even untruths, so as to query and criticize the law-enforcement actions taken by the Police. This is most unfair to the Police. I believe many friends could see on the television that when confrontations between pro-Occupy Central people and anti-Occupy Central people occurred, police officers caught in the middle were exerting their utmost to prevent the escalation of the confrontation. If we put ourselves in their shoes, we can fully imagine the tremendous pressure borne by front-line police officers.

Therefore, I hope that Members, in discussing this subject, can try to be as fair-minded as possible and speak on the facts. Some police officers allegedly assaulted an arrested protestor when dealing with the clashes on Lung Wo Road the night before, so some Members of the pan-democratic camp pursued this matter relentlessly, elevating it to the political level. I believe it cannot be ruled out that individual police officers were involved in inappropriate and even unlawful conduct in this incident and the authorities have immediately transferred the police officers in question to other duties and placed them under investigation. Yesterday afternoon, the Police also announced the suspension of the seven police officers in question from duty. We should trust the Police in investigating the incident according to established procedures and law.

President, the nature of the Occupy Central movement is illegal. It has occupied roads and blocked traffic, thus battering the rule of law in Hong Kong. For this reason, the Police must take law-enforcement actions, maintain law and order and uphold the core values of Hong Kong. Although the advocates and organizers of Occupy Central have trotted out "love and peace" all the time, the development of the situation shows that the nature and tune of the movement have changed. A friend of mine in the engineering sector, knowing that I would speak on this motion today, forwarded a video of the chaotic situation on Lung Wo Road a couple of nights ago for my viewing. On that night, a large number of protestors suddenly stormed into the road, using mills barriers and channel covers to block the vehicle lanes in both directions in the tunnel and charging at police cordons. From the video, it can be seen clearly that a dozen police officers were facing the gradual advance of a large number of protestors and retreating continually. In the meantime, a number of protestors hurled expletives at and provoked the police officers, whereas the police officers demonstrated restraint and even reminded one another to stay calm. There were far too many such scenes to mention. Today, the *Sing Tao Daily* carries a report that reads, "No leaving without making releases/Three police officers cornered by 200 protestors". I hope that both protestors and front-line police officers could remain rational and show restraint, and I also believe that the public will form fair judgments.

President, the Occupy Central action, having developed thus far, has given rise to negative impacts on an increasingly large scale. Such industries as the transport, logistics, travel, retail, catering and even engineering and construction have been affected to various extents. The Occupy Central movement has

seriously affected traffic and the daily life of the public. Among various places, the blockage of road sections in Central, Admiralty and Wan Chai, and in particular, the road sections near the Legislative Council Complex and the Central Government Offices, has been the most serious and on some road sections, there is practically no way through. Take the exhibition and conference activities at the Hong Kong Convention and Exhibition Centre near the Legislative Council Complex as an example, they also have to cope with the effects of traffic blockage. This week, there is a large-scale electronics exhibition, the largest among exhibitions of this kind around the world attracting a large number of overseas exhibitors and buyers. Although the organizations that signed up for the exhibition have not withdrawn, many members of the industry have pointed out that the number of visiting buyers has evidently decreased. The longer the illegal activities of Occupy Central drags on, the heavier the blows to the economic activities of various trades and industries and even to Hong Kong's status as a financial centre and international financial and trade centre.

Therefore, I believe that Members seated in this Chamber, no matter how diametrically opposed their political views are, should not pour oil on the flames by dealing blows wantonly to the ability of the SAR Government to govern and the power of the Police to enforce the law, thus intensifying the conflicts between the Police and the public. I call on Members to present the facts and have rational discussions, find ways to cool down the incident and create conditions for rational dialogue among various parties, in the hope of resolving the incident peacefully, rather than letting the situation slip towards the dangerous verge of unexpected turn of events.

President, Hong Kong belongs to all of us and in all matters, we should cherish harmony, so I sincerely hope that all parties, including the advocates and organizers of Occupy Central, students taking part in the protests, the SAR Government, concerned people in various sectors and of course, Honourable colleagues in this Council, should all calm down and consider how the Occupy Central action can be concluded peacefully to enable society to restore its normal order as soon as possible? Can people who are truly concerned about and love Hong Kong bear to let society be riven for a long period of time? Can all of us seek common ground while preserving differences and strive for the best practicable results acceptable to the general public where circumstances are reasonable and possible, so as to successfully elect the Chief Executive by universal suffrage in 2017? Once again, I call for communication but not

confrontation, and I hope that the storm would dissipate early and that a rainbow could be seen again in Hong Kong.

President, I so submit.

DR FERNANDO CHEUNG (in Cantonese): President, a saying that "open and aboveboard, but beating in dark corners" is now spreading across the community. Two days ago, 500 social workers had inadvertently blocked the road in front of the Police Headquarters for some time and I was on the scene throughout the period. I saw how the improper handling of public order events and acts of protest and demonstration by the Police had escalated the atmosphere on the scene, resulting in stouter operation and stronger resistance. Eventually, clashes broke out. It is really most unfortunate.

In the past few decades, we have witnessed continuous improvement in the Police. Police officers used to project the image that they might drag a man into a corner to beat him up wantonly, they might torture a man in taking statement, and they might take bribes and make deals with triad members, but now the Police are approaching global standard. I really believe that the Hong Kong Police Force is outstanding by world standard. Unfortunately, however, in the past year or two, we have noticed a rather rapid retrogression. Why would the Police relapse to a state of being called the "black cops"? Why would the Police have such a low morale and face such great pressure? The Chief Executive and the senior echelons are definitely at fault in the incident as a whole.

First of all, the incident is a matter concerning the future of Hong Kong. We are talking about the need for Hong Kong people to have the freedom to choose their own political leaders. The people have been yearning for this in the past few decades. This aspiration is a promise made to the people of Hong Kong under the Sino-British Joint Declaration and the Basic Law after negotiations between China and the United Kingdom. It is promised that there will be universal suffrage in Hong Kong and Hong Kong people will have "high degree of autonomy" and "Hong Kong people ruling Hong Kong." However, we notice that the decision made by the National People's Congress (NPC) on 31 August has denied us such freedom, for the candidates to run in the election will be first selected by a 1 200-strong small coterie which the Beijing Government considers controllable. Hong Kong people do not consider this acceptable, nor do the young people of Hong Kong.

We know that the existing constitutional system can in no way ensure accountability to the people of Hong Kong. Despite being a world-class economic city, Hong Kong tops the world list with the widest disparity between the rich and the poor. "Sub-divided units" are found everywhere. Despite the brisk economic growth, many people, one fifth, are still living in poverty. Young people at work in society consider marriage and raising children a problem, for it is now beyond their affordability to rent or purchase a flat. We see no future but only collusion between the Government and the business sector and an increasingly corrupted Government. If reform is not introduced into Hong Kong, this place will only slide into an abyss and governance will become impossible.

Many a scholar aspires to using peaceful and rational approaches to discuss with the Government and persuade Beijing, yet people with vested interests hold onto them tightly, refusing to make any compromise. How long have the angers and grievances been brewing? Those senior government officials are living in Mars, and they do not feel the sentiments at all. Young people staged class boycotts to express their aspiration for democracy. The climax of the week-long class boycott lasting till Friday saw the participation of secondary students, where 1 000-odd secondary students were out there. I was moved and I noticed that they were very smart.

By Friday night, they broke into the Civic Square. All along, the public are allowed to express their discontent with the Government at the Civic Square. The Civic Square, from design to usage, is meant to fulfil the promise of allowing the public to stage protests there. It carries a symbolic meaning as the Government Headquarters is right there, where the public will be expressing their opinions face to face with the Government. Have bloody clashes ever occurred at the Civic Square? Has any violence ever taken place there? Has the Government ever been threatened? Why would the authorities be seized by fear to the extent of closing all gates? And then, the Police used violence to remove the protesters. We saw from television footage that the Police were dragging unarmed students, including school girls, on the ground, using pepper spray and pushing back protesters with shields to disperse them. As the public saw these scenes, more and more people came out.

On Sunday, a large assembly was held. What did the Police do? When we tried to transport the audio equipment into the site, the Police stopped us. And when a few Members tried to carry the equipment into the scene, the Police

simply arrested us. As more and more people came out, the Police simply blocked all entrances. We should be gathering at the Tamar Park originally, but we were not allowed to enter the park for it had been assigned for some national day celebration activities. Where could we go then? We could not but go to Tim Mei Avenue. However, the Police blocked the entrance to Tamar Park and the footbridges connecting with Admiralty Centre. People kept flowing in from the MTR exit at Admiralty Centre, but they could not enter the assembly and protest venue. As more and more people gathered and failed to move forward after a three-hour wait, some people dashed out onto the road. The place was actually overflowing with people at the time, yet when people went onto the road, they were considered as blockading roads. The blockade was indeed unexpected. Had anyone ever planned such a blockade? No. I give you my word: no one has ever made such a plan. The authorities should be held wholly responsible for the blockade.

What did they do to the protesters? They fired tear gas all of a sudden. How could they do that? Of course, it was not right for thousands of people to dash onto the road to stage protests and an assembly, yet they were forced to do so by the authorities. Do you think they want to do so? It was the authorities who flared up the anger of the people. The regime as a whole is playing the enemy of the people, evident in the collusion between the Government and the business sector, the injustice in society as a whole and its control over the scene. We are regarded as rioters and their implacable enemies. The Administration does not love its people at all. Indeed, we are not its people. We are independent individuals with dignity and independent thinking. Secretary T K LAI said that the incident would have an entirely different outcome had it happened overseas. He was right in suggesting that many more people could have been injured, yet before the people were injured, the regime would have collapsed long since.

The Secretary said that policemen overseas were more violent. Yet I can tell him that the protesters in Hong Kong are the most peaceful in the world. The triads which the authorities condone are the most non-peaceful. The Police are the most non-peaceful in their actions. The night before yesterday, I discussed with a protester aged 50 to 60 years. The old man said openly that he joined the protest on his own and his family members worried about him, so he had to WhatsApp them to let them know he was safe. What did he write? He said, "No policeman is here, I am safe." Does the Secretary not feel shameful about this? It is the responsibility of police officers to weed out the wicked, to

let good people live in peace and to maintain order. Today, we still trust the Police. Regrettably, we witness how black cops have behaved, how beating is condoned by the Police, how people arrested for assaulting other people have been released, how the Police have played the onlookers, how Ken TSANG was dragged to a corner for vicious beating, how they have pepper-sprayed unarmed protesters holding up their hands and how they have torn away protesters' goggles to pepper-spray them. Those police officers were seized by red-eyed brutality. Over the past few weeks, police officers have been working overtime continuously. Since they have been on duty for over 20 hours, it is natural that they will grow angry, particularly when insults are hurled at them. We utterly disapprove of any acts of insulting police officers, nor do we accept the use of violence by the Police or any other parties. However, this is anger of the people. Do the authorities understand that?

Those leaders are still hiding on the sideline. He has only broadcast some recorded addresses to explain that the decision was made on the scene. When the instruction to clear out the scene within a short period was decreed, what choice did the police officers have? What could they do on the scene? They could only fire tear gas to disperse the crowd. There were tens of thousands of people gathering there. How could tear gas be fired? Are you crazy? Are you being responsible? You should be protecting public safety.

The night before yesterday, 500 students staged a protest out of anger. They were dissatisfied with the existence of black cops and the delay of the authorities in taking action after the incident and despite the exposure of the video ― we are talking about the incident that occurred the night before yesterday. We gathered at the park and made a few remarks, yet when we came out, what did the Police do? They brandished the yellow warning banner and blocked our way out. Then, they suddenly announced that we were in an unlawful assembly and we might be arrested anytime. It is unacceptable, is it not? We are social workers and we are not making the Police our enemy. We oppose the conduct of the black cops and the imposition of extrajudicial punishment. This conduct of imposing extrajudicial punishment is absolutely unacceptable. How can there be rule of law in such circumstances?

The Police are vested with public powers. They possess arms and they can enforce the law, make arrests and use force at any time. These powers are not conferred on the public in general. They have firearms, but we only have umbrellas. We do not act like the pro-government camp which calls a stag a

horse and refers to a pen as a weapon. They may as well prohibit the carrying of pens. Do they even have brains? We are considered possessing offensive weapons for carrying umbrellas and plastic cling wrap. Since the use of plastic cling wrap has made pepper spray ineffective, the authorities had to use tear gas. Aren't they mad? If this is the mindset of the officer in charge, what would that be of his subordinates? They keep saying that they have done nothing wrong. Where has Andy TSANG gone? Has he come forward to assume responsibility? The approach adopted by the Police in handling the incident was inappropriate, and they have escalated the operation progressively.

When the 500 social workers came out from the park, we were first stopped by the Police and then warned of our liability to being arrested because of our unlawful assembly. When we crossed the road, we were made to follow the traffic light, yet they blocked the road when the green pedestrian signal came on. As the designated demonstration area was too small for all of us to sit down, we were forced to turn back. The place was flooded by people. We were so angry about the arrangement that we sat on the road. No one wanted to blockade the road. Why will things turn out like this every time? Why do they always regard us as rioters? And, how the law was enforced by the Police? They told the media that nothing special was worth filming. They treated many reporters on the scene violently and scolded them in foul language. They pushed reporters, directed strong strobe lights at them and drove them away to clear out the scene. The authorities did say that assembly could be held at Tamar Park, but they cleared out the site on every occasion. An old lady had left her personal belongings in the park, which were confiscated by the Police. She thought the park would be the safest and quietest place, yet the Police acted in the same manner there, pushing forward, making arrests and beating up people in dark corners. The Police should note clearly that the rule of law in Hong Kong as a whole today should not be ruined in their hands due to their failure to maintain political neutrality.

President, I so submit.

MR CHAN KAM-LAM (in Cantonese): President, the Occupy Central movement has entered the third week. It has caused irrevocable damage to the traffic, people's livelihood, economy and international image of Hong Kong. The Hong Kong Federation of Students, the Scholarism and the Occupy Central

Trio invited the public to join a "democracy banquet", which has now gone on for 20 days, and the bill of the banquet has to be footed by all the people of Hong Kong.

The public knows full well the harms of the Occupy Central action on Hong Kong. The day before yesterday, the Bank of America Merrill Lynch published a report stating that the unstable political situation in Hong Kong will affect its economic growth, and the economic growth for the fourth quarter is expected to drop 1%, from 2.5% to 1.5%, whereas the economic growth forecasts for this year and next year are lowered by 0.4% to 1.9% and 2.1% respectively. It is also pointed out in the report that the Occupy action is taking a hard toll on tourism, the retail industry and individual consumption, causing a loss of $105 million daily. According to the statistics of the Hong Kong Retail Management Association, the retail sales during the Golden Week have dropped 30% to 50% compared to the same period last year, whereas the drop in the business turnover of shopping malls and supermarkets reaches 60% and that for small and medium enterprises (SMEs) is as dramatic as 80%. The financial sector worries that the implementation of the Shanghai-Hong Kong Stock Connect will be delayed due to the Occupy action, hindering the development of the financial sector in Hong Kong. Recently, many countries have issued travel alerts against Hong Kong, which is evident that the Occupy action is directly affecting the tourism and hotel industries. Hence, many members of the public are giving well-intentioned advice to occupiers, that the prosperity and stability enjoyed by Hong Kong today are earned by the hard efforts of several generations, and if these are not cherished, they will be ruined overnight.

I totally agree with Mr Ronny TONG that many people have been looking at the issue superficially. The Occupy action ongoing today is challenging and trampling on the rule of law, democracy and freedom of Hong Kong in the greatest measure. The Hong Kong Bar Association (HKBA) issued a statement recently to tell the public that the rule of law is the core value of Hong Kong, that democratic constitutional development should be carried out within the framework of the Basic Law and that pro-democracy activities should be carried out within the framework of law.

In the period just past, the Occupy action has become an illegal act deviating from the rule of law. All members of the public are entitled to the right to take part in assembly and stage demonstrations to express their views provided that they obey the laws and regulations and do not infringe the rights

and freedoms of others. The acts of occupying roads, obstructing the free access of others, preventing access of vehicles and affecting the livelihood and daily life of others are indeed overbearing and unlawful. Such actions have seriously infringed the daily life of the general public, deviating from the freedom enshrined in the rule of law.

The same applies to democracy. The core elements of democracy are mutual respect, rational accommodation and majority rule. The development of democracy must be conducive to the development of society, politics and economy. However, what we see today is a democratic movement carried out in the most violent manner and of the poorest quality. No wonder the public has dubbed the Occupy action as "dictatorial democracy" and stated that they would rather have none if they were to accept this kind of democracy.

The most ridiculous point is that protesters are guarding the roads and accesses and setting up barricades, causing nuisances to the public and delaying rescue operations. They are to decide to whom the permission of access should be granted. Police vehicles and ambulances have to be searched by them to gain access and to exit. When vehicles of government officials arrive at the Central Government Offices, protesters will block the road, shouting that "Secretary, get off your car and walk in". Does it mean that they can do whatever they want simply because they are great in number? Just as Mr Ronny TONG said, it is supercilious and arrogant. Does it mean that they have the say simply because they are great in number? They are utterly defying the law.

All these actions run away from the cause of their fight, that is, freedom, democracy and the rule of law. As the statement of the HKBA states, civil disobedience does not constitute any defence to a charge, and the Court will not adjudicate or rule on the political cause of the subject standing trial. In other words, all these actions are illegal. These actions will not be rationalized and become legitimate under the cloak of democracy, nor will they be bleached and become pure and sanctified with the participation of students. The Occupy Central Trio and all Members from the pan-democratic camp should understand full well that the Occupy Central assembly is unlawful, and they are being irresponsible to spur students and the public to occupy the roads.

Many people know only civil nomination, yet they do not know what is written down in the Sino-British Joint Declaration and the Basic Law. Indeed, no one knows about the composition of the nominating committee. I trust that

the wishes of the young people are good, who aspire to the taking forward of democratic constitutional reform. However, the reality is that many people do not understand the crux of the problem.

Mr Alan LEONG said that the Occupy Central movement was brought about by the decision of the NPCSC. In my view, this claim is superficial, which is a deliberate cover-up of facts that seeks to mislead the public. Has he forgotten that the right to universal suffrage of the people of Hong Kong originates from the Basic Law? It is stipulated unequivocally in Article 45 of the Basic Law that, "The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Mr Justice Kemal BOKHARY, the incumbent Non-permanent Judge of the Court of Final Appeal, has also said that any proposal on the one-person-one-vote election in Hong Kong must be examined within the framework of the Basic Law. Now, the NPCSC decision has opened but not shut the gate to universal suffrage in Hong Kong.

Mr Ronny TONG said that we should resolve the deep-rooted problems and take an elevated view. However, he did not touch on this issue in this speech. The deep-rooted problems in Hong Kong are crystal clear, are they not? The current political situation is labyrinthine and complicated. It does not only involve students and members of the public joining the sit-in but foreign forces hidden behind the scene and local elements seeking to topple China and cause unrest in Hong Kong. These people resort to all kinds of tactics. They take advantage of the passion of students and young people for justice and democratic progress, bringing them to the brink of violence to trigger clashes between the Police and the public. All of these should be attributed to the insistence of the opposition camp on fighting for civil nomination which involves "three violations". What are the "three violations"? They are the violation of the Basic Law, the violation of the NPCSC decision and the violation of the public opinion of Hong Kong people. If they can simply return to the framework of the Basic Law and the NPCSC decision for the conduct of rational discussions, the problems will be resolved and Hong Kong people will be electing the Chief Executive by "one person, one vote" in 2017.

Members of the opposition camp and the occupiers request the Central Authorities to withdraw its decision and the Chief Executive to step down. In fact, they knew full well right from the beginning that it would be impossible for these requests to be met. It is but a bargaining tactic employed by them to spur protesters to stay on with the unlawful assembly. By means of the force of the masses, they put the normal life of the public and the economic development of Hong Kong at stake, forcing the Central Government to give in. The Occupy action precisely proves that the worries of the Central Authorities are justified. Members of the opposition camp are not sincere in striving for universal suffrage in Hong Kong, for they merely want to revive their dream of exchanging sovereignty for ruling rights and elect a Chief Executive who will confront the Central Authorities. Prof Joseph LEE said that the protest is just a tactic. Let me tell him, they have used the wrong one.

During the debate in the past two days, I have heard Members from the pan-democratic camp stating repeatedly that the Occupy action is not a revolution. However, if Members should care to go to the areas occupied, they will easily spot slogans like "Umbrella Revolution" and "perseverance to the very end". They can deny it no more, can they?

In colour revolutions, passionate youths are always the source of support or a target of kidnap. In the present case of Hong Kong, young people's passion for their country and their pursuit of justice have been taken advantage of or hijacked. Many passionate young people with good and kind intentions have been reduced to chess pieces being exploited for achieving other purposes or mere sacrifices. The present fight, though packaged as a fight for justice to defend civil rights under the banner of peace, is a brutal political struggle in actuality, where peace and serenity will diminish and prosperity in development will fade out as it goes on.

President, I have to thank the police officers for standing firm in their positions to maintain social order, and I support the Police effecting enforcement in accordance with law. Many expatriates living in Hong Kong say that police officers in Hong Kong are the politest, the most restrained and of the highest quality they have ever seen. In the past three weeks, the Police have been subject to extensive insults at the front line, yet they keep up with their hard work without any complaint. Police officers have done their level best to enforce the law and maintain order in an impartial manner. Regrettably, the opposition camp accuses the Police of condoning triads and failing to render proper

protection to protesters. Such accusations are inconsistent with the facts and unfair to police officers faithful to their duties. It makes us angry. I believe justice is in the heart of the people. Who are faithfully enforcing the law in a civilized manner? Who are making unreasonable and aggressive cries and assaulting police officers? I think the public have seen it clearly and will pass their own judgment.

The democratic movement carried out in the period just past is the worst manifestation of democracy. A campaign claimed to uphold "love and peace" has eventually turned out to be filled with "hatred and violence". Worse still, it has ruined the rule of law in Hong Kong and the interest of the public. However, I believe the majority of students and members of the public taking part in the demonstration are keen to express their aspirations in a peaceful and rational manner. I hope they will return to rational discussions as soon as possible and withdraw voluntarily from the occupied areas, so that Hong Kong society will get back on the right track. Hong Kong cannot afford the loss.

MR MICHAEL TIEN (in Cantonese): President, at 1.38 am on 28 September, without any signs beforehand, one of the Occupy Central Trio, Benny TAI, announced the launch of the movement. From the Central Government Offices at Admiralty, the Occupy action spread to Mong Kok and Causeway Bay, paralysing traffic and affecting people's life. Clashes broke out in succession and strifes came one wave after another. The action that led to division in society and conflicts among people is gradually becoming irreversible. No matter if you support or oppose the Occupy Central movement, or you are only a member of the public who remains silent, so long as you have an affection for Hong Kong, you would feel heartbroken, helpless and anxious.

Let me express my feelings about the development of the situation thus far with three lines, "The students are blameless, the public helpless and the trio powerless." The students are pursuing their ideals and true to their cause. In order to campaign for democracy, they adopted the most destructive approach of taking to and occupying the streets and the situation has got out of hand. In the face of endless occupation, members of the public and shop owners affected are feeling most helpless. Those who complain would only be criticized as caring only about money and their detractors would say that Hong Kong people are pursuing their ideals and that this is very important. Even if you earn a little bit less or make a loss, it is only right, so other people dare not say anything

anymore. The Occupy Central Trio misjudged the situation from the very beginning and subsequently, they also misjudged the development of the situation and public sentiments time and again, so they are no longer capable of keeping in check this escalating Occupy movement. This movement has given rise to unprecedented ruptures in society and the relationship between the Police and the public has also hit an all-time low. These people have to assume the greatest responsibility.

I recall the passionate speeches made by Benny TAI, one of the organizers of the Occupy Central movement. A year ago, he and I had a debate on a topic related to the Occupy Central movement in our *alma mater*, the Diocesan Boys' School. At that time, he packaged the Occupy Central movement as a campaign of "love and peace". In the last two years, he wrote out one after another blank cheque that could not be honoured. Now, I find this most ironical.

The Occupy Central Trio often called on us not to forget the original aspiration. What is the original aspiration? Their original aspiration is to call on 10 000 people to come out because the Trio reckoned that there was not enough police manpower to carry the protestors away one by one. The protestors would stay in Central ― it was Central rather than Admiralty, Mong Kok or Causeway Bay ― to coerce the Central Authorities into holding negotiations with them, withdrawing the NPCSC decision and starting anew the five-step procedure for constitutional reform. However, given that Benny TAI is a professor of law, there is no reason for him not being aware that any constitutional reform proposal must be discussed within the framework of the Basic Law and that the Central Authorities definitely would not, nor would they be possible to, make any decision inconsistent with the Basic Law on account of the Occupy Central movement or other reasons. From the very first day, he should be keenly aware that the Occupy Central movement is easy to set in motion but hard to rein in and that it will not yield any actual results.

According to Benny TAI's claim, would the Occupy Central movement affect the position of the Central Government on the implementation of universal suffrage in Hong Kong? We will know only when all this becomes history. In the final analysis, he has practically no idea where the Occupy Central movement is heading, how this path should be walked and in which direction one should go. He only blindly called on the public and students to ignore the consequences and results, occupy for the sake of occupation and paralyse for the sake of paralysing the areas. As an organizer of the Occupy action, he fell short of explaining

clearly to the young people and students the responsibilities and consequences of the Occupy Central movement, nor did he give any analysis of the present state of affairs and the development of the situation to participants, so can he be considered a responsible person? Even the occupiers have to ultimately admit, no matter how they deny it, that the movement cannot change the NPCSC decision and the organizers surely have at least enough wisdom to see this point clearly. Should Members not ask the Occupy Central Trio why they are doing this even though they know full well that all the odds are stacked against them? The occupiers should also know that even if they drag this matter on, they will not achieve any results and will only leave a shambles for Hong Kong people to clear up.

Recently, clashes between the Police and members of the public have erupted continually and at 4 pm every day, Mr HUI of the Police Force would talk to us on television about how difficult it was for the Police to enforce the law. The damages wrought by the Occupy Central movement are far-reaching and the relationship between the Police and the public has degenerated to the freezing point. The morale of the Police Force is low and the image of the Police has been seriously dented. Many Honourable colleagues also pointed out earlier on that the Police Force in Hong Kong have all along been regarded as top-notch in the world and it is a mainstay of public confidence. However, I am also quite sure that the Occupy Central movement has pushed the relationship between the Police and the public and the morale of the Police Force to an all-time low as well as a new low since the arrest of Peter Fitzroy GODBER after the establishment of the Independent Commission Against Corruption. If even law-breakers cannot be arrested, in the future, will so many of the finest young people be willing to join the Police Force?

May I ask Members here sincerely if you are worried about the present state of affairs? Although I do not have a crystal ball to predict when the Occupy Central movement can be resolved, I am very sure that so long as the Occupy Central movement continues, the number of clashes and the frequency of the use of force will increase continuously and irreparable damage will be done to the morale and image of the Police. May I venture to point out that if this Occupy Central movement is intended to coerce the Central Authorities into withdrawing the decision of the NPCSC, in the end, there will surely be only losers but no winners if such a state of affairs persists.

As regards the young people at the occupied sites of the Occupy Central movement, they are charged with passion but have no regard for the political reality. May I know where the Occupy Central Trio were when these young people embarked on the illegal course of charging at police cordons? Of course, I do not expect these three people to go to the front line because they are setting themselves high above as honourable commanders-in-chief but at least, should they not come forth to appeal for an end to the explosive confrontations between the Police and the public? At present, the police officers at the front line and the protestors involved in mounting charges are both exhausted and have suffered damage, so dare they state publicly that they do not have to assume any responsibility?

I still remember full well how Benny TAI, when being interviewed on 15 July 2013, said that in a discussion involving his whole family on who would take part in the Occupy Central action, his children who were not yet 18 years old were certainly not allowed to take part. Benny TAI, you know full well that the Occupy Central action is illegal, so you did not allow your own children who are minors to take part. In that case, why did you initially call on other people's children to take part in the Occupy Central movement and commit offences? Now, the situation has got out of hand. Does he know how many of the young people in Admiralty are minors? Can you really convince yourself?

Now, the Occupy Central movement has given rise to irremediable adverse consequences and seriously sapped Hong Kong's strength, so there is no knowing how long it would take for Hong Kong to recover. On 5 October, Joseph ZEN, Cardinal Bishop Emeritus of Hong Kong Catholic Church, made a public appeal to young people who were taking part in the rally, to this effect, "In the art of war, there are occasions for advance and withdrawal. It is time we made a defensive withdrawal."

President, as the saying goes, the one who tied the bell on the tiger must untie it. Although the Occupy Central Trio have stressed repeatedly that this movement has developed into a spontaneous one, as the organizers, they absolutely have the responsibility to evaluate the situation carefully, then tell and admit to all the participants that the Occupy Central movement as conceived by them cannot achieve its goals and can never achieve the expected results. The Occupy Central Trio should make amends for their wrongdoings with good deeds by doing their utmost to call on students to hold peaceful talks with the

Government as soon as possible and study how to refine the proposals on universal suffrage within the framework of the NPCSC decision, for example, by enhancing the representativeness of the nominating committee. At the same time, I believe that for any actual results to be achieved in the whole matter and the differences between the two sides narrowed, the Chief Executive, Mr LEUNG Chun-ying, should also strive to secure from the Central Authorities a statement telling Hong Kong people that the present proposal is not final. Even if we are to "pocket it first", it is still necessary to let the public know that after pocketing it, and when Hong Kong society makes strides towards harmony and stability in the future, it will be possible to implement universal suffrage in a gradual and orderly manner and on the basis of ensuring national security, so as to rally public opinion behind the existing proposal and embark on the road to democracy together. President, I am convinced that all the 7 million people in Hong Kong will agree with this comment of mine, "A journey of a thousand miles begins with a single step.".

MISS CHAN YUEN-HAN (in Cantonese): President, in the past fortnight or so, many Hong Kong people ― many Members have said this a number of times in the past few days ― have asked, "In view of the developments now, how would this incident in Hong Kong be concluded? How can it be dealt with properly?" Many people have been having discussions with us all the time, hoping to find a solution. These people come from all walks of life, including university professors.

(THE PRESIDENT'S DEPUTY, MR ANDREW LEUNG, took the Chair)

We only know that if we want to see a peaceful resolution, dialogue is the only way out and there is not any other way, unless we want to see all-out clashes. If there should really be all-out clashes, Hong Kong will have to face interminable violence and in that event, the international community would not just call Hong Kong a city of protests. I believe all Hong Kong people do not wish to see such a day. In the last few days, when the Police removed the articles gradually, the public were also divided into two sides, with each side holding a different view and the great majority of the public feeling that this makes them feel better. I believe that so long as all parties are willing to ponder

over it deeply, surely, a solution can be found to eventually resolve the situation. I hope dearly that in bringing this matter to a close, Hong Kong would not see the use of violence or any bloodshed. This is the hope of countless Hong Kong people.

What course should Hong Kong follow? During this period, a very special atmosphere has been hanging over Hong Kong people. Both sides have expressed goodwill. Both the Government and students have expressed goodwill. At this time, I hope all parties can pause, do some thinking and find a way out. I believe all parties must work in concert to find a way out before the present predicament can be resolved.

As we all know, bitter hatred will breed a great deal of irrational violence, and hatred will surely take deeper root in the wake of violence. In the last couple of days, I have browsed some webpages and learnt that both sides, including police officers, are all feeling very angry. Many members of the public are very angry with such conduct. However, students and some members of the public have their own views. I think that in the face of such a situation, if this state of affairs develops further, Hong Kong will really reach a tipping point.

Last week, some people asked me if Hong Kong had already reached the tipping point. I said it had not yet and that it would be necessary to resolve this matter tier by tier. Having seen what happened in the past few days, I think we have already reached the tipping point. If we do not assuage the confrontational sentiments between the two sides, if we continue to heighten the emotions of both sides, the hatred will be locked in a spiral and continue to snowball. I believe this is an outcome we do not wish to see.

I sincerely hope that all people who truly love Hong Kong could ask themselves if they are moving towards diametrically opposed positions. Are they stirring up hatred? Can they help ease the present situation? People in various segments of society whom I came across all said that we should not continue in this way and that we should not be pitted against one another anymore. I also said the same thing to the young people, hoping they would understand that their actions would have great implications on Hong Kong. I have said so several times to my friends and done all that I can do. However, subsequently, many people still urged me on, so I did something more in relation to one matter, in the hope that all parties could show goodwill and look at one another's situation from different perspectives, including taking into account the

decisions of the Central Authorities, and so on. I believe all parties must accommodate one another's views, so that both sides can think with cool heads. Now, it is really necessary for all parties to pause for a moment and consider how best to deal with this matter, rather than pushing one another into positions where there is no more room for manoeuvre.

I have been involved in social movements and gone through countless incidents, so I know that we may well be able to choose different courses of action but each different course of action will take us onto different roads. Frankly speaking, even if the campaigners fail on this occasion, they can still make assessments and further efforts. In history, there were innumerable stories illustrating this point. What problems will arise in the post-Occupy Central period depends entirely on how we deal with the present situation. If we hope that Hong Kong can resume normal operation in the post-Occupy Central period, we must put ourselves in each other's shoes in thinking about and dealing with the present situation. Otherwise, I will be very much worried. We can see many such instances in Chinese history as well as in overseas countries. Different approaches will yield different outcomes and ultimately, the political ecology in Hong Kong will be affected and changed. I hope all parties can think about it in this perspective and refrain from pushing one another into positions where there is no more room for manoeuvre.

I fully understand the serious impacts arising from the occupation and agree that it is necessary for the Police to handle it in a professional manner. However, when the Police adopted approaches that crossed the line … according to the Government and the Police, they would take actions according to established procedures. This is fine because Hong Kong is not a lawless place, rather, it is regulated by laws. The Government said that the incident would be dealt with in the direction of a criminal investigation, so all observers sighed in relief as they think that finally, the Government is able to deal with this matter according to existing laws. When all parties adopt the law as their basis and move in a such a direction, they will be able to persuade each other. In contrast, if both sides make mistakes at crucial points, both sides will continue to harbour hatred, oppose each other bitterly and become mired in wrangles. In that case, what can be done? I believe many people would ask what can be done. That requires all parties to pause and think.

In the past couple of days, I have done some long and hard thinking in my office, wondering if I should speak. In the end, I read an old piece of news.

After Nelson MANDELA had passed away, many people related his famous sayings. I came across this passage. This is what MANDELA said, "I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities.".

MANDELA, who adopted the tactic of using violence against violence in his early years and was jailed for 27 years, originally hated white people very deeply. However, he made the aforementioned remarks. He gained insights into the true face of confrontation and realized that the violence arising from confrontation would only victimize society and the people endlessly. As a result, he took the first step towards forgiveness by setting aside his personal hatred and even the hatred of the supporters behind him. Such a step had far-reaching implications for South Africa as well as the whole world. I hope that people from various quarters could hear those remarks. Take myself as an example, when I had to handle certain labour disputes, I also felt very upset. However, I often told myself that if I wanted to deal with these matters properly, I had to be very rational and deal with matters that I was extremely dissatisfied with step by step, so that an option agreeable to both sides as well as the Legislative Council could finally be worked out. We would not destroy what was good and bad alike just because the two sides had different views on a matter. We would not do so. We would surely take actions through the Legislative Council and according to common law in Hong Kong. In this process, if the other side remains not convinced, we will hold discussions together. We must by no means resort to violence. Hong Kong people find discussions acceptable but not violence.

Therefore, I hope very much that all parties can set aside their hatred. The party that is willing to set aside its hatred first is not the loser. We know that it is very difficult to do so and this applies to all parties, particularly young people, because they have aspirations and ideals. If they are asked to take one step back, I can fully understand their difficulties in doing so. However, taking one step back does not mean losing. On the contrary, Hong Kong people will love them and like them even more. I am not calling on all people to retreat but having come to this pass, we really have to think about how we should continue and how the outcome would be like. This requires all parties to give it more thoughts.

Honourable colleagues, early each morning, or when we got up in the middle of the night, we would watch news first of all to see what had happened. During this period, the various sites in Hong Kong, the students, the Police and various aspects are preoccupying us. Yesterday, I felt particularly glad because the Government said that negotiations could be conducted. Although the students are not satisfied, they still think that negotiations can be conducted. I think this is desirable. The remarks of a couple of student leaders struck me in particular. They said, to this effect, "Do not target the Police anymore and do not provoke the Police anymore.". This remark came from a student leader in his teens and I thank him for making it. I also hope that he was sincere. If both sides continue to provoke each other, what would be the consequences?

I have watched this video clip a number of times. We must by no means target anybody. We have to rely on them to help govern Hong Kong. We have laws to regulate their conduct and the Police must follow a system in their actions. If we do not believe even in this system now, what else can we believe in? Do we want to establish a new system in Hong Kong? At the thought of this, I am very worried. Therefore, I hope very much that various parties can show their sincerity in the communication this time around and resolve the issues sincerely. I also understand this and have also asked many people about it. At present, the worst thing is that there is a lack of mutual trust. There is a lack of mutual trust between the Government as opposed to the students and campaigners, and there is also a lack of mutual trust among the groups behind the campaigners. We all tend to look at matters in the light of conspiracy theories but I wonder if the Government is also like this. I hope it is not. Regardless of the present situation, we must be broad-minded, just like MANDELA in addressing all difficulties, facing and resolving them one by one. We must not be mutually suspicious because if we are, in the end, we will achieve nothing whatsoever and Hong Kong will be pushed towards eternal damnation. This is a state that Hong Kong people do not wish to see and also a state that we, being people who love Hong Kong dearly, do not wish to see.

Deputy President, I believe that after this incident spanning more than 20 days, some Hongkongers who used to care little about public affairs in Hong Kong and did not understand what we were arguing about have all focused on a focal point and kept an interest in this matter every day, instead of only politicians, the Government and campaigners caring about it. Concerning this point, to the campaigners, this should be a very, very great … from a certain perspective, this is already a fairly great achievement. When we were

promoting the prescription of standard working hours, no matter how hard we tried, no one paid any attention to us but now, this matter has at least triggered a great deal of concern among many people, and for this reason, all parties are looking for a way out of a complex situation. I think this is very important.

Similarly, I also wish to tell the Government that it must handle this incident properly. I understand that the Government, in particular, the Police, has to put up with a great deal of pressure. However, the Government must bear in mind that each step it takes would set an example. How would Hong Kong be like in the post-Occupy Central era? What course will Hong Kong follow in the future? How will the governance of Hong Kong be like? If, in this process, we do not deal with this matter rationally, the situation would become very bad. Therefore, Deputy President, I have voiced my views today only after a great deal of deliberation. I really wish to speak on behalf of the many friends around me. They encouraged me to speak what was in their minds. Many young people told me, "Please talk about it, Miss CHAN.". We hope that at this time, all parties can pause, do some thinking and find a way out. If we can handle this incident carefully and find a way out, so that both sides can secure their positions, another Hong Kong will emerge and we will reach another level.

May heaven bless Hong Kong. Thank you.

MR CHAN KIN-POR (in Cantonese): Deputy President, I would first of all like to respond to the remarks made by several Members yesterday and today. What I wish to say is, that several Members said the pro-establishment camp had not fulfilled its responsibility of reflecting public opinion to the Central Authorities. But the fact is there were two occasions in Shanghai and Shenzhen where pan-democrat Members could express directly the public opinion of Hong Kong and their views to important officials of the Central Authorities. Of course, unfortunately every time an individual Member made it a point to come up with some excuses to make himself unable to visit the Mainland and express his views. He was right. He really did not express his views, but most pan-democrats have already expressed theirs.

Secondly, some Members compared the situation of healthcare workers dealing with SARS to that of the Police dealing with a charging crowd. But I would like to point out that SARS patients would not swear at the healthcare workers and charge at them. More importantly, the natural duty of healthcare

workers is to save and help those in distress. They carried out their vocation in fighting SARS and should feel a great sense of achievement. For the Police, their vocation is to maintain law and order, and to drive out the violent elements and protect the people. Yet right now there are many "road hooligans" and barricades that obstruct the Police. Since there are simply just too many people breaking the law, the Police cannot effect enforcement. They always besiege the Police, police stations and the Central Government Offices. Under these circumstances, it is difficult for us to fathom the dejection and agony felt by police officers who want to maintain law and order. And so I really hope Members will not underrate the distress and difficulty suffered by police officers and their families.

Recently many video clips have allowed us to view the deployment of tear gas from different angles. I witnessed at that time the spot where the first tear gas canister was fired … Please keep quiet, will you? Sorry, I am speaking. You have disturbed my train of thought and now I cannot think … I am not talking about you. I am talking about … I would like him to be silent. Thank you. I hope Members will all understand the situation at that moment: I saw that at the location where the first tear gas canister was fired many people were charging at the Police who apparently could not hold their ground. The commander who was interviewed by *South China Morning Post* put it very clearly. He said, to this effect, "If I let them breach the cordon, a stampede will definitely happen." What is more important is a statement that he made. He said, "Today if I were to make a similar decision again, or I ran into the same situation, I would still make the same one." Therefore I hope people those who were not there do not jump to any conclusion. Of course, the subsequent deployment of tear gas made more people to come out. I believe the Police really need review whether that policy was right.

In the last 10 days or so, we have been glad to see the Police gradually removing barricades which obstructed traffic in a most tolerant manner. They did so with great pleasure and people praised them. I think those police officers must be feeling they were really doing something. But sadly the Ken TSANG incident happened. This individual incident has given people a handle to vehemently smear the entire Police Force. I find this utterly unfair.

As the Vice-Chairman of the Independent Police Complaints Council (IPCC), I often have the chance to meet front-line police officers. Many of them asked me how could they be assured of fair and impartial handling given that

there are so many pan-democrat Members and representatives in the IPCC? I often tell them that every IPCC member will look at the complaint in different groups and then submit the case for the members' decision. As I see it, members of the IPCC all handle these incidents in a fair and impartial manner. However, in fact I hope past, future and current IPCC members can refrain by all means from making public criticisms or comments telling how the IPCC should take forward its work. For those who have views to voice, I believe we welcome all members to discuss them with the Chairman and other members at internal meetings, because many views are not well-developed and a lot of matters require deliberation. The last thing I would wish to see is so-and-so making criticisms outside the IPCC continually. This in essence destroys the impartial image of the IPCC that many people have made enormous efforts to build over many years. We surely will not be biased in favour of the Police, but we cannot be biased in favour of the complainants either. Otherwise our image will be seriously damaged should any side feel that we are not fair.

Some people said the protesters are fighting for universal suffrage for Hong Kong and this is for our future so we should bear with the short-term inconveniences and economic loss. Some others said that with universal suffrage we will have good days and whatever problems will be resolved. I ask them to look at countries in Europe, America and Southeast Asia, including India, Indonesia, the Philippines and Thailand. These places all have universal suffrage but please do not fool yourselves. We can see that they have more problems than Hong Kong where there is no universal suffrage yet. They also face problems like corruption, red tape, a wide gap between the rich and the poor and youth having no future. This is why we should not let young people harbour the illusion that universal suffrage is going to solve all of Hong Kong's problems thoroughly.

Young people are our new generation. This is a good opportunity to make them understand that they have to consider questions more in their handling of things, that they cannot force their way upon others by sheer greater numbers. Many people in Hong Kong want universal suffrage immediately. But I believe this definitely requires the agreement of the Central Authorities as Hong Kong is a Special Administrative Region of China after all. Policies on Hong Kong will certainly affect the policies on 1.3 billion people so the Central Authorities will be concerned. It is actually quite normal for the Central Authorities to want to carry out this task in a gradual and orderly manner. And I also believe we must build mutual trust through communication to gain any possibility of achieving

universal suffrage. The road to universal suffrage has always been a long one, and it will never be achieved just by one or two incidents, especially illegal ones. Using self-destructive means like dashing into roads or charging at cordons to achieve universal suffrage will not only fail but also be doomed to backfire. This will only cause the Central Authorities to have greater worries and concerns and keep a firmer grip on Hong Kong, making the road to universal suffrage even more difficult. If large-scale unrest develops in Hong Kong, it will make those who do not support this way of handling things lose their stable life.

Regarding the question of how to take the way forward, I think we should separate the peaceful protesters from those who advocate charging at cordons so that the former will not become the protective umbrella of those troublemakers and the Police can enforce the law. First, I hope those authorities in the legal sector, including the two lawyer associations, the Secretary for Justice and lawyers in this Council, can explain clearly to those protesters who are now occupying roads the offences they have committed and the criminal liability attached, in order to make them understand that their behaviour right now is unlawful and they should leave as soon as possible to allow the Police to enforce the law and restore order. I would like to make an appeal here: I hope the protesters can move to some lawful places as soon as possible and cease breaking the law. When they see charges happening, they should not participate nor look on so as not to become the protective umbrella of thugs.

Secondly, parents, I hope you can help explain the complexity of the incident to your children. Some said in the past they were afraid of their children joining the triads; now they are afraid of them being brainwashed by political parties, taking part in illegal activities, being marked by a criminal record and a bleak future. I hope you do your duties as parents. Also, I hope teachers and school principals will also teach students to make observations from different perspectives and dissuade them from being biased towards one side. He is not the only person in this world and his views are not the only views. To get things done we must make deliberations from different angles, including long-term and short-term ones. In no case must students be indoctrinated with law-breaking ideas because the rule of law is the foundation of democracy. When we lose the rule of law, any talks about democracy are no more than lies.

Moreover, I would like to express my highest respect to the police officers, who recently have been on duty for more than 10 hours a day, day in and day out, not being able to go home for days, and their families. I have to tell them: you have suffered a lot and Hong Kong is lucky to still have you.

Lastly, I believe the Police will conduct a thorough investigation into the Ken TSANG incident. I also believe the Court will make appropriate rulings. But I hereby hope all "netizens" can show mercy. All citizens, do not launch irrational attacks on the families of these seven police officers and do not start a "witch-hunt" on them. The police officers have already caused enormous harm to their families for their act or for this incident. I hope the people of Hong Kong will realize that we are indeed a family. We should not attack and harm one another, be it in real life or on the Internet. I hope you can all respect every single individual. We are one family. Thank you.

(Mr Albert CHAN stood up)

MR ALBERT CHAN (in Cantonese): Deputy President, before I begin my speech, please do a headcount pursuant to Rule 17(2) of the Rules of Procedure.

DEPUTY PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(While the summoning bell was ringing, THE PRESIDENT resumed the Chair)

(After the summoning bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Members, the Secretariat has informed Members earlier that the Council meeting will be adjourned at around 1 pm today because of the meetings of the House Committee and the Finance Committee this afternoon. Nevertheless, a number of Members are still waiting to speak on this motion for adjournment. I reckon that the debate may not conclude until 2 pm.

Members, this is a motion for adjournment proposed under Rule 16(2) of the Rules of Procedure. I was convinced that the subject matter is of urgent public importance, so I decided that it be dealt with in this meeting. In other words, if the debate fails to conclude in this meeting, it will have to continue in the next meeting, and its significance will then diminish. Therefore, I have

decided that the debate will not conclude until all Members who wish to speak have spoken and the public officer has replied. I reckon that the debate may well last until 2 pm, assuming that no time will be spent on the ringing of the summoning bell.

For this reason, I earnestly urge Members for their co-operation to not to waste the Council's time on the ringing of the summoning bell. I hope that all Members who wish to speak can speak their mind freely.

Mr Albert CHAN, please speak.

MR ALBERT CHAN (in Cantonese): President, we will definitely follow your teaching and co-operate with you sincerely. President, regarding the Occupy movement which is still ongoing, I have heard the arguments advanced by many pro-establishment Members in the Chamber and found that they have great misunderstandings about this movement in terms of its nature, origin and current situation. Moreover, some media have some misunderstanding, too. I would like to take this opportunity to make an analysis and a clarification according to my understanding, though others might not see eye to eye with me.

I find the observation made by foreign media as outsiders more accurate because many international media have regarded the current Umbrella Movement as a student-led struggle with fighting for democracy being its single cause. I concur with this view, too. Since the initial class boycotts, I have been regarding the Umbrella Movement as a student-led pro-democracy movement fighting for genuine universal suffrage without screening. The four requests made by students are also the major points supported by most organizations and people. Their requests include Chief Executive Elections without screening, the abolition of functional constituencies, the resignation of "689", and so on. Hence, the subject should not be switched to other people or parties or factions. This is merely a pure and adorable pro-democracy movement led by local students which we should be proud of.

President, first of all, I would like to talk about the Government's despicable means. At five o'clock this morning, the Police suddenly launched clearance operations in Mong Kok. I remained in Mong Kok last night until past 11 pm, but I learnt from Facebook about the clearance operation when I woke up at around five this morning. We all know it very well that a clearance

operation will take place sooner or later, but it was only yesterday that the Government formally announced its intention to start dialogue afresh with students. At 5 am today, however, a surprised attack was launched with hundreds of riot police officers charging into Mong Kok from all directions. Waking up from their sleep and seized by fears, those young people had their spirit hurt and their trust in the Government further broken.

Actually, the participants of this movement do not have a very good perception of the Government in the first place. Their perception of "689" is even worse, right? The remark made by "689" yesterday, that negotiations and clearance operations are two separate issues, is most despicable. Does it imply that there is no need for further discussions in future? His remark smacks of reference to or learning from MAO Zedong's "talk and fight" strategy. The President should know it very well that this strategy was adopted by MAO Zedong in dealing with the Kuomintang, right? The use of "hypocritical rhetoric" to cheat and suppress the young and adorable students again and again must be condemned. Certainly, not only powers and soldiers but also the governance of the entire Government were in his hands.

I fully appreciate the disappointment and despair felt by the young students and the disadvantaged, particularly those who have been stationed in Mong Kok for so many days. I would also like to take this opportunity to commend the people opening up and manning Mong Kok. During this period, I have had a number of exchanges with these people. The occupied zone in Mong Kok is a unique community. Many people there are grass-roots people. Quite a number of them do not have post-secondary qualifications, and many are blue-collar workers in the catering and transport industries. There are some young job-seekers, too. Some people even quit their jobs last week in order to continue to man Mong Kok. They made such a great sacrifice not for money or fame, but for justice. They found the Government unacceptable when they saw the Police resort to such violent means as using tear bombs. They have aspirations for democracy, too. Although they do not have high academic qualifications, they simply find it unreasonable for them to be deprived of say. Some of them have been manning Mong Kok for 19 days, which means that they have spent 19 days on the streets to ensure that the place is managed properly. Furthermore, Mong Kok is the most disturbed occupied zone. From my experience of sleeping there for several nights, I know that Mong Kok is constantly subject to all sorts of nuisance around the clock, sometimes from the triads, the residents or the "blue ribbon" group. Police officers may also create nuisances around the clock by

various means. Many people are living in fear, anxiety and subject to noise nuisance. Hence, these people who have stayed in Mong Kok for 19 days should be highly praised for their stamina, resolve and determination.

In my mind, the people engaging in this struggle in Mong Kok are heroes, with many of them being unsung heroes. Insofar as the entire pro-democracy movement and the current fight for universal suffrage are concerned, I absolutely believe that their efforts will not be wasted. Hence, I believe the struggle has to continue. As Mong Kok is still being occupied, the Police will use various means to suppress and destroy this movement. Regardless of what violent means the Police may employ, I believe the people will definitely not yield. This struggle will definitely go on.

President, I would also like to say a few words about the young leaders of the Umbrella Movement. I really hope that people from all walks of life, especially the senior echelons of the Government, can take these young people seriously, as they are the hope of Hong Kong. They are also regarded by the international media in various parts of the world as the pride of Hong Kong. Although many of them are students without any experience in politics, with some being secondary students, they fully demonstrate in such a major movement their sophisticated leadership and attitude. In dealing with organizational and daily issues, they make selfless sacrifices and pay attention to every detail. They are also frequently praised for their waste separation efforts. After each assembly, they will definitely clear the garbage. These outstanding young people are highly praised by leaders and media from around the world, too.

However, what are the responses of the media in Hong Kong? What are the responses of pro-Government Members? The Government or people whom I believe are the hatchet men of the Liaison Office of the Central People's Government (LOCPG) or the Hong Kong communists have even recruited the triads to bully, suppress and batter these young people. While they are being praised and honoured by people around the world, who also take pride in Hong Kong for having these young people, what are the responses of our leaders? Not only do our leaders not cherish, support and nurture these young people, but they even adopt all sorts of tactics in the media to smear or suppress them or allow the triads to bully them. I find it most sorrowful to see people in society fighting in this manner! Many people merely care about making money. It is surprising to find people treating the young generation with such violent means. Hong Kong will definitely fall from grace.

President, insofar as this movement is concerned, as I pointed out at the beginning of my speech, this is a local, pro-democracy movement led by the young people. However, it has been defined by the Central Authorities as a colour revolution. It is absolutely wrong to do so. Just as the wrong definition of the 4 June incident in 1989, as well as the wrong definition of the incident in which 500 000 people took to the streets in 2003, why is this movement wrongly defined? It is due to the inept officials' attempt to shirk their own responsibilities by shifting the focus of the movement in order to protect themselves or shirk their own responsibilities. Take the 4 June incident in 1989 as an example. In his memoirs, ZHAO Ziyang made it very clear that students were simply sacrificed by LI Peng and the elders in the Communist Party in order to reinforce their own powers. The same goes for the incident in 2003. At that time, the LOCPG made a wrong judgment due to its failure to grasp the situation. Even LAU Siu-kai made the same mistake, saying that the Central Intelligence Agency had assisted in organizing 500 000 people to take to the streets in 2003. This time around, he has again defined this pure pro-democracy movement led by local students as a colour revolution supported by foreign forces. He has come up with several wrong definitions in a row. As former Premier WEN Jiabo said, deep-rooted conflicts will definitely exacerbate. So long as these conflicts remain unresolved, the struggle in Hong Kong will definitely not stop.

Furthermore, I would like to point out the double standards applied by many pro-Government Members. President, how can these students who are described by them as very violent compare, in terms of violence, to the rioters led by the Hong Kong Federation of Trade Unions in 1967? How many people died during the riots at that time? The answer is 10 police officers, one fireman and 39 members of the public. How many people were injured at that time? The answer is 212 police officers, four firemen and 585 members of the public. The most impressive image must be the killing of two toddlers by a bomb. How could this Umbrella Movement lead to violence? In a cartoon drawn by a netizen, LEUNG Chun-ying is hit by KWAN Tak-hing (WONG Fei-hung) with an umbrella used to protect himself from pepper spray and battering by the Police. We could see on the television a police officer kept hitting a member of the public with a baton and the umbrella held by that person was hit by the police officer until it was nearly broken. It was the police officers and you, pro-Government Members, who resorted to violence and used public powers to continue to exploit Hong Kong people of the powers.

President, I would like to sound a warning here. An administration reliant on police power and violence will never have a good ending. If we review history, we will find that a number of regimes have fallen from power. Even such a strong confederation as the USSR had to fall after 72 years. Having ruled Romania for two decades and suppressing his people with a secret police, Nicolae CEAUSESCU was sentenced to death in the Romanian Revolution in 1989. Having ruled Chile for 16 years and killed more than 3 000 dissidents with the help of police officers and spies, Augusto PINOCHET was placed under house arrest after falling from power in 1990. After ruling Egypt for 50 years, Hosni MUBARAK fell from power in the wake of the Jasmine Revolution. KADDAFI, who set up a police nation to govern Liberia for 42 years, was eventually toppled and sentenced to death. Many military officers were finally convicted by the International Court of Justice, not to mention supporters of HITLER during the Second World War. When it comes to assisting a totalitarian regime to bully the people by despicable and high-handed means, history will do justice to the people. Although Members are now making a show of force and doing whatever they want, history will eventually do justice to the people and students *(the buzzer sounded)* …

PRESIDENT (in Cantonese): Mr CHAN, speaking time is up.

MR CHRISTOPHER CHUNG (in Cantonese): President, the current disturbance is a political farce financed and directed by the anti-Chinese forces overseas and starred by the opposition camp in Hong Kong. The farce has been put onto the stage under their so-called "let's join the banquet" slogan. On the excuse of "genuine universal suffrage", the farce confuses people's minds, deceives those kind-hearted students and incites some members of the public, resulting in social unrest. They think that they can deceive all the people with their pleasing slogans, but it turns out that they fail to win the people's heart.

The plotters have described the so-called Umbrella Revolution as unfolding on a magnificent scale, and incited illegal occupiers to extend their reach to areas across Hong Kong, Kowloon and the New Territories. Regrettably, it ended up their illegal Occupy actions meeting abortions everywhere, since the occupiers in different communities are likewise condemned by residents living in the neighbourhood, as if they were rats on the street. They are not welcome in Yuen Long, Sham Shui Po and Chai Wan.

The current disturbance is an unavoidable misfortune of Hong Kong set to unfold sooner or later after the reunification. This is not a matter of whether LEUNG Chun-ying serves as the Chief Executive or whether Andy TSANG serves as the Commissioner of Police. The disturbance arose because of the failure to resolve our deep-rooted problems since the reunification and to address the anti-communist sentiment or communism-phobia in society. Despite the civil service tradition of high efficiency at work, accountability officials have not had good training or exposure in respect of decision-making since the reunification. As a result, there have been a slew of blunders in policymaking that add to public grievances.

The external reason is that colonialists are reluctant to give up Hong Kong, a "fat goose" that lays golden eggs, at no cost, whereas imperialists also do not wish to see the rise of China. The threat from China is the very last thing they would wish to see *vis-a-vis* their dominance of the world. The imperialist agenda is to blockade and mess up China. They know that in order to blow up a stronghold, it very often takes an explosion that comes from within it. While Taiwan has ceased to serve this purpose and Macao does not have the necessary conditions for messing things up, only Hong Kong has enough members in the opposition to serve as lackeys for imperialism.

Recently, as the media have exposed, imperialists pour out money and effort to instigate this illegal Occupy Central movement, or the so-called Umbrella Revolution. Through the money laundered by the boss of the *Apple Daily*, they handed out "dirty money" to groups and politicians in the opposition. Yet, as a saying goes, one who cuts others' hair will also have his hair cut. In the past three to four days, the headquarters of the *Apple Daily* was besieged and blocked by members of the public, in what would be regarded as an instance of "an eye for an eye and a tooth for a tooth". The boss and staff members of the *Apple Daily* could no longer put up with this after just a few days' time, so they applied for a court injunction and called in the Police, crying aloud that the protesters were infringing their access to freedom of the press. This Mr LAI seemed to have forgotten that it was him who encouraged people to take to the streets in the first place, and that his newspaper has incited people to occupy major roads day after day. As a saying goes, one who is not in the same unfortunate situation does not realize other people's suffering. Is the freedom of the press enjoyed by the *Apple Daily* particularly more important than people's freedom to make a living, to go to work and to travel? Should people's freedom be denied and sacrificed in any way they wish?

Compared with the loss suffered by the *Apple Daily* in the past couple of days, the loss suffered by various trades and industries in Hong Kong is so much bigger that it is beyond comparison. Official data show that the retail, catering and tourism sectors are most affected by the Occupy action. These sectors have seen their turnover drop dozens of percentage points, and the amount of loss in GDP is estimated to reach $300 million. In the financial market, although the Occupy Central has yet to trigger a large-scale financial shock, the Hang Seng Index has dropped from 25 000 or so points to 23 000 or even 22 000 points since then, and market capitalization as much as HK$500 billion has evaporated. Anyone may tell how much loss the Occupy Central has caused to Hong Kong people.

The imperialist that the opposition camp serves is by no means a good boss. Their Umbrella Revolution and illegal occupy actions are doomed to fail. The imperialists may hand out tens of million dollars to the opposition camp today, but perhaps they would have no other choice but compromise with the Chinese Government and discard them the very next day. History tells us that NGUYEN Van Thieu of Vietnam and CHIANG Kai-shek of the Kuomintang were betrayed and dumped. Will they be any different? The imperialists only serve the interests of their own countries, rather than help them fight for democracy.

President, the Umbrella Revolution is going to fail, and those in the opposition camp are going to be betrayed. Inside or outside the Council, the hysterical cries made by the opposition bode the imminent conclusion of the disturbance. Nevertheless, the end of this disturbance inflicts some very far-reaching traumas on Hong Kong. It not only affects the economic aspects, as I said earlier, but also undermines Hong Kong's competitiveness in future. Moreover, innocent members of the public are unavoidably required to foot the bill for the disturbance, namely a pestilential banquet staged by the opposition camp . Thank you, President.

MR WONG YUK-MAN (in Cantonese): "The Hong Kong communist regime is the enemy of the people. The reputation of the Police of the SAR withers away". On 26 September 2014, the Hong Kong Federation of Students (HKFS) and the Scholarism rallied outside the Central Government Offices (CGO) at Tamar, Admiralty, on the last day of the students' class boycott. Subsequently, Joshua WONG, convenor of the Scholarism, while speaking on stage, appealed to

assembly participants to reclaim the Civic Square outside the CGO. Organizers of the movement, including Joshua WONG, Secretary General of the HKFS, Alex CHOW, and Deputy Secretary General of the HKFS, Lester SHUM, were consequently arrested by the Police and detained at a police station. It was only until the High Court ruled that the Police had detained them for an unreasonably long time and granted the writ of *habeas corpus* for Joshua WONG while urging the Police to treat Alex SHUM and Lester SHUM fairly that the three student leaders were released after being detained at a police station for over 40 hours.

That the Police arbitrarily arrested the student leaders and detained them for an unreasonably long time had infuriated Hong Kong people. Tens of thousands of people went to Tamar, Admiralty, from all parts of the territory and besieged the CGO in protest against the suppression of democracy and freedom by the SAR Government, marking the prelude to a magnificent, awe-inspiring movement of street occupation.

The SAR Government has refused to respond to the assembly participants' demands for civil nomination and abolition of functional constituencies in the Legislative Council. On the contrary, it has repeatedly pointed an accusing finger at the assembly participants, stressing that they have caused obstructions to other people in their daily living, in a bid to shirk the responsibility for sparking off the street occupation movement and absolve itself of the guilt of totalitarian rule. How shameless!

To disperse the assembly participants, the SAR Government abandoned the right path as it outrageously deployed a large number of policemen and used excessive force to suppress the assembly participants who were mostly young citizens and students. However, the assembly participants who stood united had resisted the approaching policemen over and over again while remaining peaceful and restrained without resorting to violence. I must salute the students and citizens who have participated in the occupation movement for successive days for acting rationally and in a restrained manner. I also take this opportunity to strongly condemn the Hong Kong communist regime for acting as the enemy of the people.

On 28 September, the Police cordoned off the road sections leading to the CGO. At the same time, riot police were sent there to prepare for actions to disperse the people rallying there. I was there at the time. The Police fired altogether 87 canisters of tear gas at the assembly participants who were not

armed with offensive weapons at places around Connaught Road Central, Queensway, the City Hall in Central and Chater Road in the evening. Firing tear gas at the crowds could cause panic and confusion among the assembly participants and lead to a tragedy of stampede.

LEUNG Chun-ying suggested in the Executive Council in 2003 the deployment of riot police and firing of tear gas to disperse the people rallied in opposition to the enactment of legislation on Article 23 of the Basic Law. Today, 11 years down the line, LEUNG Chun-ying has not learnt the lesson of the stepping down of TUNG Chee-hwa and former Secretary for Security Regina IP. He translated his words into actions by officially sending riot police and firing tear gas to deal with the people fighting for universal suffrage. This has ultimately aroused overwhelming public outrage, causing the street occupation movement to mushroom everywhere, in Mong Kok, Causeway Bay and Tsim Sha Tsui.

During the street occupation movement, LEUNG Chun-ying dared not show up in public and only agreed to attend an interview by a pro-government television station. He said that he trusted the professional judgment and training of the Police and that while it was the decision of the police commander on the scene to order and call off the firing of tear gas, he was personally involved in the whole development and decision-making process, adding that he, being the head of the Government, should not intervene in the judgment of the Police on the scene. LEUNG Chun-ying attempted to wash his hands off this incident and his motive is indeed condemnable! The SAR Government led by LEUNG Chun-ying is the enemy of the people. In using tear gas and rubber bullets to suppress peaceful demonstrations at all costs, they are set to pay a dear price for this in future!

In the afternoon on 3 October, at the crossroads of Argyle Street and Nathan Road in Mong Kok there came a large group of scoundrels attacking the citizens and students rallying there. The noises of the fight were deafening. The policemen who arrived at the scene nevertheless turned a blind eye to them and even escorted the attackers away from the scene and what is more, some victims were arrested for obstructing the Police in the discharge of their duties.

Secretary for Security LAI Tung-kwok said on 4 October that eight of the people arrested that day had a triad background. Even though Secretary T K LAI had spoken sternly to refute allegations that the Police had connived at and

co-operated with triads, arguing that those were fabricated and serious allegations against the Police, "co-operation between the Police and triads" has since that day made an impression on Hong Kong people. The positive image of the Police built up with great efforts after the setting up of the Independent Commission Against Corruption in the 1970s has almost vanished into thin air over the past two weeks.

I will move a motion at the meeting of the Legislative Council on 29 October proposing that a select committee be set up under the Legislative Council (Powers and Privileges) Ordinance to inquire into the incident and to call on the Government to give an account to the public in order to pursue responsibilities.

On the night of 14 October, a group of protestors dashed into Lung Wo Road in Admiralty. They had once occupied the place successfully, erecting layers of barricades there. The next morning, the Police, after reforming their ranks, started to clear the site and arrested 45 protestors. A participant of the occupation movement, Ken TSANG, whose hands were tied up, was taken to a dark corner at Tamar Park by six policemen and beaten up by them for as long as four minutes. The whole process was video recorded by reporters of a television station. The footage went viral on the Internet and was extensively reported by international media. What the policemen had done was no different from the scoundrels!

Under section 3(1) of Cap. 427 of the Laws of Hong Kong, "A public official or person acting in an official capacity, whatever the official's or the person's nationality or citizenship, commits the offence of torture if in Hong Kong or elsewhere the official or the person intentionally inflicts severe pain or suffering on another in the performance or purported performance of his or her official duties." Section 3(6) provides that "A person who commits the offence of torture is liable on conviction on indictment to imprisonment for life."

It is an offence to torture a suspect. A law-enforcement officer who defied the law should be given a more severe sentence for committing the offence. Secretary for Security LAI Tung-kwok said on 16 October that the incident was being followed up by the relevant department and that an investigation would be carried out fairly. He said that the Complaints Against Police Office had received this complaint which would be dealt with in a fair and impartial manner in accordance with the established procedures, adding that the

seven officers involved had already been transferred away from their posts. These were the remarks made by the Secretary. Torture is a serious offence. The Hong Kong Police Force did not immediately arrest these seven policemen and suspend them from duty, but the next day, in the face of the pressure of public opinions, they could not but suspend the seven policemen from duty. This attitude of bullying the weak and fearing the strong is consistent with his master, "LEUNG Chun-ying the bandit". The SAR Police have abandoned the spirit of eradicating the bad elements for the safety of law-abiding citizens, confused their role as policemen with that of thieves and degenerated into out and out fascists. Fascist Commissioner of Police Andy TSANG must step down to pacify the public!

Coming to this juncture, President, I must say I have already listened to the speeches of many Members, and I am almost the last to speak on this motion, though Mr WONG Kwok-hing is going to speak after me, but you can hardly find any slips in my speech as a handle. Frankly speaking, the speeches made by the pro-establishment camp will only make people feel all the more disappointed with this Council, though the speeches of some Members of the democratic camp also leave a lot to be desired. But I really cannot criticize them one by one in the remaining few minutes of my speaking time.

Their speeches are really as stupid as one can describe them. For instance, the Chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong, Mr TAM Yiu-chung, went so far as to cite the words on the emblem of Liverpool football club and from its anthem, "You'll never walk alone", to support the Police. As a result, he was condemned by the Liverpool fans right after he made those remarks yesterday. He was condemned not only by Liverpool fans in Hong Kong, but also those in foreign countries.

On 15 April 1989, the day when HU Yaobang passed away, significant changes were unveiled on the Mainland as students rose to fight for democracy in China and a grand and epic movement thus began. On the same day, a tragedy occurred at a football stadium in the United Kingdom, which claimed the lives of 96 Liverpool fans. During the investigation into this incident, the bobbies were extremely unfair to the Liverpool fans and their families, thus causing public outrage. It was all because Mrs Margaret THATCHER, who had the rule back then, wanted to suppress the union movement. Therefore, using this anthem to salute the Police will only remind the Liverpool fans of this incident that happened in 1989, and it was only in 2012 that the incumbent Prime Minister

tendered an open apology for the wrongs done by the bobbies back then. In doing such things to take advantage of others, buddy, are they not as stupid as one can describe them?

Its Vice Chairman is even more ridiculous, acting no different from a nutty psycho whose remarks were not only facetious but even incomprehensible. How possibly can it be reasonable to describe Ken TSANG as a rioter? Is this reasonable at all? Ken TSANG was beaten up by six or seven policemen and yet he was said to be a rioter. Is this not nonsense? All these simply make people fly into a rage.

Mr LEUNG Che-cheung is even more laughable in saying that WONG Fei-hung used an umbrella as a weapon. It is true that both KWAN Tak-hing and Jet LI did use an umbrella in acting as WONG Fei-hung. KWAN Tak-hing was more miserable as his umbrella was broken when fighting a duel with SEK Kin. Come on, please do not make these remarks, for they only prove that you are worth something! Mr Christopher CHUNG who has just left the Chamber posted on Facebook a picture of a trench used as a decoy to fool the enemy during the Vietnam War, saying that the participants of the occupation movement had done the same. He took the picture for his own use and made those remarks. But buddy, is there anything more moronic than that? They are but the most brilliant people in the pro-establishment camp. Should they still show that they are worth something even when they have to shield the Police, rather than talking such rubbish and crap? I still have a lot of criticisms to make. Mr WONG Kwok-hing, you had better listen, just that there is not much time left.

President, I would like the Secretary to listen to what I am going to say. He is the Secretary for Security, and I want to discuss some theories with him. These are actually practical ideas tested in many countries. What are the fundamental tasks of a state? Mr LAI, do you have any idea? According to the philosophy in politics China, there is an ancient saying which says to the effect that the most important functions of a state were those related to sacrificial rituals and military matters. Sacrificial rituals generally mean the control of human conduct by moral standards and let us not discuss this for the time being. As for "military matters", the modern-day meaning covers two aspects, namely, security and justice. Security deals with external circumstances, meaning that there has to be military administration. Justice deals with internal circumstances, that is, police administration. He now holds the office of the Secretary for Security and I wonder if he knows this. Whether it is military administration or police

administration, these so-called fundamental tasks of the state must be implemented with a kind of power underpinned by mandatory authority. However, this power must also have limits, President. It must not be boundless or unlimited; nor can there be other additional tasks.

Internally, the Police, who are tasked to uphold justice and maintain public order, must have limits in exercising their power. Their power is a passive power. No pre-emptive, suppressive actions can be taken, and preventive measures can be taken only after the event. Even if precautions are necessary to pre-empt problems, they must go by a principle and that is, they must give the first and foremost consideration to not causing disturbances to the people and not infringing upon the fundamental rights of the people. But this is not the case now. In discharging their duties to maintain public order and stability, the Police have transcended the limits of their power and they have been given additional tasks. We must pursue this matter by finding out how these 87 canisters of tear gas had come into being. I certainly take exception to Mr Ronny TONG's comment that the firing of the first 20 canisters of tear gas was acceptable. If that was acceptable, I would ask Mr Ronny TONG this: In the case of his party comrade Ken TSANG being beaten up by six or seven policemen, is it that the conduct of the first and second policemen who hit him was acceptable? This logic is indeed laughable. There must not be additional tasks. The limits of the power must not be transcended. This is common sense, Secretary, is this not?

It is actually a waste of breath to say all this to you. All those who work for "689" are good for nothing. They all said that justice lies in the hearts of the people, but this remark should not have been made by these people because they entirely have no part to play in upholding justice. President, seeing that these Members' standard of debating is so ― let me say this in quotation marks ― "high", it reminds me of the "amazing magic of theories" that I mentioned when I taught my students debating skills. I think the President is very well-versed in this but I must say that your party comrades are far behind you. The most amazing magic of theories refers to the use of many correct or close to correct arguments to arrive at an incorrect conclusion. This is exactly what is being done now in this Chamber. Causing obstruction on the streets, disrupting public order and affecting the people's living are correct or close to correct arguments but from these arguments a wrong conclusion is derived and that is, these people should be shot to death, that the Government has done the right thing and that the Police have reasons to use violence. However, the people who put forward

these arguments are indeed of too low a standard, buddy. So, the magic of theories entirely does not work because their standard is extremely low indeed.

As things have developed to the present state, President, I must say that I will continue to support students in peaceful demonstrations.

MR WONG KWOK-HING (in Cantonese): President, it would be impolite of me not to respond to Mr WONG Yuk-man's remarks. Although he has mentioned many times in his speech that the current regime is a communist regime, he exhausted all means of being elected to the Council and entered the system. Could his words actually affirm his actions?

(Mr WONG Yuk-man stood up)

MR WONG YUK-MAN (in Cantonese): President …

MR WONG KWOK-HING (in Cantonese): President …

MR WONG YUK-MAN (in Cantonese): … this is not a communist assembly, don't go nuts. It is one thing for you to be a communist but this Council does not belong to the Communist Party. Don't talk nonsense. There is something wrong with your logic … logic …

PRESIDENT (in Cantonese): Mr WONG Yuk-man, your speaking time is past.

(Mr WONG Yuk-man was still speaking loudly)

PRESIDENT (in Cantonese): Mr WONG Yuk-man, stop speaking at once.

(Mr WONG Yuk-man continued to speak loudly and then left the Chamber)

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, please continue with your speech.

MR WONG KWOK-HING (in Cantonese): Thank you, President. I will now speak on the motion.

This adjournment debate was moved by Mr Alan LEONG. I have listened carefully to the speeches of his and those Members from the pan-democratic camp in these three consecutive days. At the beginning, Mr Alan LEONG talked about the causal relationship and mentioned the cause and effect of this severe social-political event. I do not wish to spend time on discussing the "effects" of this incident as, needless to say, the bad consequences in these 20 consecutive days have already dealt a severe blow to Hong Kong.

I wish to talk about the "causes" now. Mr Alan LEONG, listen up. I think that the speeches of Mr Alan LEONG and Members from the pan-democratic camp have evaded two crucial factors. The first one is the origin of this serious social incident, which is related to the current political system embodied in the Chief Executive Election. They said that the current proposals of the Central Government and the 31 August Decision of the NPCSC were bogus, a bogus universal suffrage inconsistent with the international standard for the lack of civil nomination, and so on. They said that it is a bogus universal suffrage. Such remarks were exactly the Hong Kong version of "calling a stag a horse" in the 21st century. Nevertheless, it is fortunate that Hong Kong people, people all over the country and even the international community are not the same as them who, when pointing at a stag, require others to say that it is a stag, and when pointing at a horse, they would require others to say that it is a horse ― all according to their dictates. Otherwise, it would really be a distortion of facts.

President, in my hand now is the statement issued by the Hong Kong Bar Association (HKBA) on 8 October 2014, which is entitled "Statement of the Hong Kong Bar Association on the Rule of Law and Civil Disobedience". The last two paragraphs have exactly responded to the most important crux of the controversy over the current incident, answering what it means by a proper discussion scope for the framework of universal suffrage. Paragraph 8 of the statement made the following remarks. Mr Alan LEONG, please listen to this carefully. It says (and I quote), "Whatever views one may now have about the constitutional regime laid down by the drafters of the Basic Law 24 years ago, the

inescapable fact is that any discussion of electoral progress must be conducted within the framework of what is constitutionally permitted. The Honourable Mr Justice Bokhary, Non Permanent Judge of the Court of Final Appeal, was also reported to have said, on the occasion of a talk given on 9 April 2013, that any proposal of universal suffrage in Hong Kong must be pursued within the framework of the Basic Law." (end of quote)

As for the paragraph 9 that comes after it (in the Chinese version), I will not read out the full text but just the first sentence which says (and I quote), "Whatever misgivings there may be concerning the decision of the Standing Committee of the National People's Congress of 31 August 2014, it is dangerous — and inimical to the Rule of Law — for discussions of constitutional principle to be openly denigrated as "trivial technicalities" or "trickery"." (end of quote)

Lastly, the statement made an appeal and reiterated what the Honourable Mr Andrew LI, former Chief Justice of the Court of Final Appeal, has said. That remark, which also concluded the statement, says "I hope that there will be rational discussions within the parameters of the Basic Law.".

Both Mr Alan LEONG and his party comrade, Mr Dennis KWOK, are barristers. Mr Albert HO and Mr James TO from the Democratic Party are also lawyers. As for the party of Mr Alan LEONG, it is commonly known as the "Party of Barristers", the core of which is upholding the rule of law. However, it is regrettable that during the discussion on constitutional reform in Hong Kong, which involves an extremely important principle, they did not mention the statement at all and deliberately evaded it. During the course of this event, the HKBA presented such clear comments in black and white on 8 October. Why did they not mention these comments? Why did they not explain their stance to the public? Why did they not follow the remarks of the HKBA? The opinions and stance of the HKBA have all along been held in high esteem by them. In regard to this question, however, why did they handle it in such a subtle manner as if being overcome with shyness? This is the first "cause", meaning that they have entirely evaded such a crucial factor.

President, next I wish to talk about the second "cause". Why did they evade it? In fact, it is not difficult to explain it, because they have accepted money from foreigners so that they would not speak up for Hong Kong people, in direct or indirect ways, on constitutional reform issues.

The Chairman of the DAB, Mr TAM Yiu-chung, stated this clearly in his speech yesterday and I do not have enough time to repeat everything. However, he nailed the crux of the problem, saying that Mr Jimmy LAI was in the same camp with them and they spent the money of the Americans with the help of Mr Jimmy LAI. This book, entitled《泛民收錢實錄》(A record of the pan-democrats on the take), has listed the figures clearly. An "investor of the Next Media" stated on 20 July 2014 that the Civic Party has accepted $3 million, Ms Audrey EU has not declared the advertising sponsorship of her election campaign while Miss Tanya CHAN, Ms Claudia MO and Mr Alan LEONG have respectively accepted $500,000, $500,000 and $300,000; the Democratic Party, Mr Martin LEE and Mr James TO have respectively accepted $5 million, $300,000 and $500,000 so four political parties have altogether accepted $9.5 million. In addition, Mr LEE Cheuk-yan and Mr LEUNG Kwok-hung have respectively accepted $1.5 million and $1 million in two batches while the Hong Kong Democratic Development Network has accepted $500,000, Mr Joseph ZEN has accepted a total of $6 million in two batches, Mrs Anson CHAN has accepted a total of $3.5 million in three batches, Mr Joseph CHENG has accepted $300,000 and Mr CHU Yiu-ming has accepted a total of $400,000 in two batches. All of these disclosed figures do not even include the $13 million accepted by Mr LEE Cheuk-yan of the Confederation of Trade Unions through other channels.

President, those accepting the money have made neither admissions nor declarations while those Legislative Council Members who have accepted the money have violated the Rules of Procedures. In the oral question raised a few days ago, I requested the law-enforcement agencies to follow up seriously. It is also stated clearly in the prologue of this book that Mr Jimmy LAI has admitted that, in verbal and written forms, he had paid them money. While Mr Jimmy LAI who has admitted it honestly, those accepting the money have tried to cover up the truth.

Therefore, I wish all Hong Kong people can think about it. During the debate in these three days, how many truths and lies could be found in what they said? As for the students and people who are still illegally occupying the roads now, I particularly hope that they can cease to be cheated. As the Chinese saying goes, "Words are cleverer than actions", not to mention that they have not merely "pocketed it first" but already spent it all while you have been sacrificed as well as fomented and incited by them to come out. In these three days, they have placed many laurels on your heads by saying that you are the heroes who

possess extreme selflessness and greatness. In fact, it is unquestionable that students are pure and passionate. When expressing our opinions, however, should we not think about the fact that we ought not to be cheated?

President, in regard to civil disobedience, there is an important remark in paragraph 6 of the HKBA statement which, I believe, must be read out here (and I quote), "The HKBA's position is that even on a sympathetic view of civil disobedience (such as Lord Hoffmann's), it is essential for participants to respect the rights and freedoms of other people who do not necessarily agree with their views and not to cause excessive damage or inconvenience. They should also be ready to accept the criminal consequences of their conduct." (end of quote) Paragraph 7 of the statement also mentioned that (and I quote) "There are indications that the prolonged acts of the participants have caused — or are at least beginning to cause — excessive damage and inconvenience to a not insignificant part of the community." (end of quote) So, this is what I meant by the second "cause". Unfortunately, the pan-democratic camp headed by Mr Alan LEONG has not mentioned it at all.

President, I wish to mention my third point. Today, I have made it a point to put on a green shirt and jacket as I wish to strike home a message: I hope society and the Government can join hands in striving for a peaceful resolution of the existing incident.

Presidents, the hearts of our students are filled with passion and enthusiasm. Their views and ideals are unquestionable. However, they should not be cheated by some shysters. Even though the public may have strong opinions about some social issues or the handling by someone in the Government, we should not express our views through unlawful acts. In this connection, should we not follow the HKBA, which serves as a very clear standard of conduct?

President, Hong Kong is my home which should be protected by all of us together. "One burns beanstalks to cook beans, and all the beans in the hot pot weep. From the same root we both grew. Why is the hurry in the grill?" The Government has been handling the problem by various ways. The Chief Executive, Mr LEUNG Chun-ying, also mentioned yesterday that there would be a meeting with the students while sites would also be cleared up. However, no sooner had there arisen a sign of the incident being mitigated than an invisible hand appeared to create disturbances again so as to destroy the opportunity of a

peaceful resolution of the incident. Therefore, I hope that the whole society will join hands to show concern, pay attention, express opinions and make appeals to adopt together a peaceful solution to this problem.

MR NG LEUNG-SING (in Cantonese): President, earlier on some Members have mentioned that the debate which has been going on for several days can be regarded as a marathon debate. I wish to cite an article which is immensely popular and it was written yesterday by a columnist Miss WAT Wing-yin in her column "Marathon of Life". The contents of that article suit the topic of this debate very well. I wish to recount the article to Members in the airwaves and share it with those people who have not read or heard about it when it was being hotly passed around.

Now I quote to this effect: "A member of the Civic Party reported that he was beaten up by the Police. Members from the pan-democratic camp took this as a golden opportunity that they had been dying to get for a long time and acted swiftly, held a press conference and post the photo of the victim on the Internet. Then the photos of the police officers who were on duty on that day and their personal information went viral on the Internet. … When these police officers have yet to be subject to any internal investigation, they are being put on trial on the Internet by the world. If Members say all the time that what they want to investigate is whether police officers have imposed extrajudicial punishment, then why are they taking the pre-emptive move and impose extrajudicial punishment on the police officers on the Internet? This is trying to put these police officers to an infamous end by a public trial which is most inhumane and it is passing a sentence before a trial is even held.

> "This is the 19th day of the Occupy Central movement" ― it refers to yesterday ― "And people's nerves are at a breaking point. This applies especially to police officers who have to be on duty every day and bear with scolding by members of the public. They are caught in the middle. Sometimes they are asked to clear the scene and sometimes they are asked to protect the protesters. They are not saints but humans. While physically their bodies may withstand the attacks, mentally they may not be able to bear with the vicious curses and sheer fatigue.
>
> "Stepping into their shoes, once in uniforms and with endless work before you, not knowing when you can be off duty ― they have to be on duty for 12 to 30 hours ― fatigue is not the greatest problem. The problem is the

obnoxious nature of the work. I am sure when people choose to become police officers, they are prepared to fight with the criminals and none of them will aspire to fighting with ordinary members of the public.

"They have sworn to protect the life and property of the people. But it has never come to their mind that one day they will degenerate to such a state as to protect lawbreakers. As members of the disciplined forces, they have to obey orders from their superiors. It is understandable that they are facing a dilemma. The other day I was at the roadside in Admiralty and I witnessed how students booed and scolded the police officers who were changing shifts. The students said, "Go back to your kennels, shit-eating dogs. Remember who pay you your salary?" Do you think every person can remain calm under such circumstances? This kind of long-term pent-up emotion is bound to explode and it is just a matter of time.

"Honestly, when this footage of assault appeared, and be it true or not true, I am not a bit surprised at all. I even wonder why it has to happen so late. Maybe people may think that I am too heartless to think this way. But it beats me why our society pampers those people who blatantly break the law, engage in open provocation and even launch outright attacks? These people are crying against injustice as though their eyes are blind to the truth. And when other people speak up against them, their words are regarded as a heinous crime.

"James TO branded the police officers as black cops. He said that the police were getting out of hand. This is because of the extrajudicial punishment administered, the penalty of which is life imprisonment. LEE Cheuk-yan said with his eyes red that he felt very sad, for Hong Kong has become lawless. After hearing those remarks, and if you have read the news reports these past 19 days, you will understand why the law-enforcement officers are so enraged. Who are the ones who have lost control of themselves during these 19 days? And who have become lawless?

"I am not saying that extrajudicial punishment is lawful. If this is a court of law, I will plead for the police officers. I would also hope that while people condemn the police officers, they should ponder this: If we are to destroy the Police Force and take away their powers, who will suffer in the end?"

This article has gone viral and many members of the public are taking its contents as the cries from the bottom of their hearts. It shows that the eyes of the people are discerning, unlike the claim made by some Members, that those remarks are one-sided. Now Members from the pan-democratic camp do not want to listen to what they think are unpleasing to their ears. There is not even one among them who wants to. Let the public see what these Members think of their responsibility as Members of this Council!

I will now continue with my speech. There are several points which I think warrant our concern. The organizers of the Occupy Central action once said that the Occupy Central action was to fight for democracy. However, ever since the beginning of the Occupy Central action, we all have an impression that it is not at all democratic so far because for any movement to be called democratic, it must have the support of the majority. But what we see is that a large number of people oppose Occupy Central. And also people from all walks of life have come out to voice their opinions. Despite all these, these Occupy Central proponents are bent on having their way. And now we can see that the result is far from being democratic. The Occupy Central movement is unlawful and we can see that none is able to take the helm. No wonder the majority public in Hong Kong thinks that the movement has got out of control. I believe we can all imagine the scale of chaos that could be created for Hong Kong by a movement that has got out of control.

Yesterday, I met friends from different quarters, who have aired their views in meetings and through other channels. They said to me, "You must say this and that is, when people or the organizers say that Occupy Central is peaceful, it is in fact destroying people's living, causing chaos to traffic and this is an out-and-out Occupy Central with violence."

This I cannot agree more. Now the Occupy Central movement is violent and the Police are an important force to solve it. If I describe the Police as the most important protectors of Hong Kong, I do not think Members will disagree with it. I would think that the Police being the protectors are now turned into the greatest victims. This is something we should note in our discussions, studies and right in this debate. Why are the protectors of society turned into the greatest victims? How strange. Hong Kong is a civilized place where the rule of law prevails, but why are men and women who are the most important protectors of society turned into the greatest victims? I hope members of the public can ponder over this point.

Earlier on some Honourable colleagues have cited some facts, saying that Hong Kong is a place where foreign political personnel, political organizations and political funds converge. Some people say that there are conspiracies behind the scene. But I would think that there are conspiracies in the sun because the relevant information has been made public. If the people of Hong Kong only fight among themselves without any understanding of these complicated politics and if they launch an attack on the largest group of people who are supposed to maintain law and order and protect Hong Kong, this will not just be a question of falling into the trap or not but a question of some people engaging in plots after pocketing some gains. In view of this, we have to say that we will definitely not allow this to happen.

The Police are here to protect various trades and industries and all sectors across the community, and their interests. They exert their best to protect public interests despite all the insults. We should respect them. As for those isolated incidents which I have cited from newspapers, I am sure members of the public will appreciate the point ― we should not pass any comments now because the matter is now under professional investigation ― we should affirm what is right and condemn what is wrong. The Police and the Government will handle this with their professional, open and fair mechanisms. I think that we should commend and continue to support the majority police officers.

For those media organizations and workers who can report on news from all quarters in circumstances as these, including all those who can affirm what is right and condemn what is wrong, I call upon them to be mindful of their personal safety and not to compromise any enforcement action being taken. I have to remind them that while the freedom of the press is to be upheld, the work of law-enforcement officers should never be affected. It remains of course, that news must be reported. But that does not mean that they can compromise the enforcement action. I would also encourage media organizations and workers to adopt the same approach in reporting the positive and negative information on the protesters and the law-enforcement officers. If this can be done, I am sure members of the public will show their appreciation for and support to the media organizations all the more.

I so submit. Thank you, President.

MR ABRAHAM SHEK (in Cantonese): President, I came back to Hong Kong from Europe on 8 October. When I went to Central, I could feel how Hong Kong as a whole had changed. Central was like a dead city, with no pedestrians, Police or vehicles on the road. I was heartbroken, wondering to myself why Hong Kong had changed so terribly in just 10 days or so. Where have our values as well as prosperity and stability gone? When I watched the television at home, I saw chaos. Why is it so? We do not want these to happen. Then, I checked emails on the phone.

I wish to share with Members a story. In a well-to-do family, the parents, both being teachers, provided for their two children's schooling and spared no effort in teaching them to become good citizens and Hongkongers, to do what they should do, and to love their country, Hong Kong as well as its people. Upon graduation, the child of theirs who studied engineering joined the Police Force, whereas the other child, who studied law, became a lawyer. On the mother's birthday, the whole family of four dined together in a supposedly delightful atmosphere, but the daughter told her mother that she could not chat with his brother anymore. Asked why, the daughter explained to her mother that she took to the front line for the sake of democracy, only to be sprayed pepper foam in the face by her brother on the opposite side. The mother said that both of them did right, just like what she had taught them: a police officer should be allegiant to his work and discharge their duties on those law-breakers; the daughter was also right in the sense that one should act conscientiously and live in a committed and principled manner for the good of Hong Kong. Then, the mother said that her favourite birthday gift was harmony within the family, where the siblings could talk it out for an answer. She turned her face and asked her husband what they had done wrong such that their children could not live in harmony. The husband told her that neither of the two children was wrong, yet there might be differences in their choice of way.

President, a family torn apart as such is a reflection of how society as a whole has been similarly divided. Mr WONG Yuk-man and Mr WONG Kwok-hing were right in their speeches. As in the metaphor of a half glass of water, it depends on how Members look at it. Do we want society to become so? We are here chiding the Police or the students, but there has to be a way out. Do we wish to see our kids shed blood in Harcourt Road, Admiralty, Mong Kok or even Hennessy Road? We don't. Just look at the students. They brought along Victor HUGO's *Les Misérables* to the battle on the streets, yelled out their call for freedom, equality and fraternity, and shed a lot of blood. After

the French Revolution, they got freedom, equality and fraternity, and eventually the whole Western world got freedom, democracy, justice and equality as well.

Why are there democracy and equality in Hong Kong? Because we are unequivocally given these rights in the Basic Law, which is part of the Chinese Constitution. Mr WONG Kwok-hing kept chiding the opposition camp earlier, and the students indirectly. He does not quite see why the students come out and sleep on the streets for so many days.

Let me read out an email to Members. This is what my daughter wrote to me, which made me heartbroken. She wrote, (in English) "Daddy, I am so sad. All these years we, as tutors, have taught our children and young people to be rational, to voice their views in a peaceful way, to believe in their dreams and be a world changer, be rational, talk instead of fight. But they told me, they are devastated, furious and disappointed to see their friends who are protesting peacefully being beaten up by the police officers. They have been staying on the street for days. I don't know Joshua WONG (黃之鋒), but I know my students. They are passionate, they love Hong Kong, yet rational and peaceful. How could we and how could society disappoint our next generation like this? They are now watching LegCo debates and they are totally disappointed. We are pushing them to the edge of a cliff. They told me in the past, their bottom line was not to be arrested; they just want their voices to be heard. Now, their bottom line is to stay alive, not die. They meant it. They are tired, they are frustrated and found no hope. So, so sad."

In reply, I told my daughter that sacrifices are made for everything in a big era. You guys do it right, and so does the Government. When you occupy major roads illegally, the Police have demonstrated great patience. Nevertheless, they are still law-enforcement agents. They may have their own political aspirations, or each of them may have their unique political inclination. Yet, since they are police officers, they have to exert themselves faithfully at work, as in the story I shared earlier.

I asked my daughter if she had read that very work of Victor HUGO, and she said "yes". I said we had been through the 4 June incident ― she was still young at that time ― all the sacrifices … Nowadays, China is a superpower in the world. Since 1982, China's Constitution has been amended part by part. It cannot be done in one go.

Given that Mr WONG Kwok-hing kept chiding students earlier, I have to say a few words in all fairness. The book they read, specifically Article 45 of the Basic Law, has promised them universal suffrage. We in the pro-establishment camp have formed an unequivocal view on universal suffrage. When we assumed office as Members of this Council, we swore that we would uphold the Basic Law. It is certainly stipulated in the Basic Law that universal suffrage will be bestowed on us.

The framework of universal suffrage as decided by the Standing Committee of the National People's Congress (NPCSC) on 31 August differs from the universal suffrage as perceived by students. The universal suffrage they perceive … As for what constitutes the rule of law, it has to be clear. We cannot just quote what Andrew LI said. The constitutional convention of the rule of law includes universal suffrage, human rights, equality, as well as free election based on universality and equality. Yet, never mind, these are ideas from the West.

It is stipulated in the Basic Law that we may enjoy "one person, one vote", and this is to the words of the law, but not to the spirit of those kids. We understand that their pursuit is ideological. We in this Council are duty-bound to explain the whole scenario to them well. We should use this incident to review how awful this society is. Seventeen years since the reunification, our kids are still not given exposure to the true Chinese history, the genuine Basic Law, as well as the country's constitutional setup and its Constitution. The incident is successful in the sense that they are enabled to jump out of our scope of education and look at the matter from a different angle.

Hence, this group of students should not be blamed. To put it in his own words, they are on the battlefield round the clock — sleeping on the street — do you think it is fun? If you were there, you might find it hard to sleep for even a single night. However, we need harmony. You may have a look. This is …

(Mr WONG Kwok-hing stood up)

MR WONG KWOK-HING (in Cantonese): President, point of order.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, what is your point?

MR WONG KWOK-HING (in Cantonese): President, I have to make a clarification. I did not chide the students. Mr Abraham SHEK misunderstood my criticism of the opposition camp. I hope Mr Abraham SHEK can speak with caution lest he would do me an injustice.

PRESIDENT (in Cantonese): Mr WONG, your speaking time is up. According to the Rules of Procedure, if you think that a Member who speaks after you has misunderstood some part of your speech, you should point it out only after that Member has finished speaking. I would allow you to make a short clarification, but you should not interrupt the Member who is speaking. Will Members please observe the Rules of Procedure.

Mr Abraham SHEK, please continue.

MR ABRAHAM SHEK (in Cantonese): President, if Mr WONG Kwok-hing thought there was any misunderstanding on my part, I would apologize to him. I was just trying to explain the students' point of view, as well as why so many people took to the streets. I wish to say that we have no chance to explain to them.

As Members, we should explain the Basic Law to them, and that the 31 August Decision of the NPCSC is unchangeable. For any change to be made, I very much hope that they will go away and leave the political war to us on the battlefield of this Council. As regards the 31 August Decision, the State does not force it upon us. The State has given us "one person, one vote" and allowed us to decide if "one person, one vote" is to be accepted in step three of the five-step process. Even if we do not accept this and opt to stay put, according to the Basic Law, we can still ask the NPCSC to restart the five-step process in 2024 and 2027, then everything will be fine. Mr WONG Kwok-hing was right in saying that the matter has to be resolved peacefully, such that the kids no longer need to stay outdoors come rain or shine.

MR ABRAHAM SHEK: President, this is the first time that I have seen a young boy appear on the *Time Magazine*. That is not really a compliment. The *Time Magazine* has given him such a standing. In this particular issue of the *Time Magazine*, it said: "Teenager Joshua WONG and the youth of Hong Kong are standing up for democracy. Can they win?" Nobody can win in Hong Kong.

This whole saga has brought us down substantially to a level that we have never dreamt of. This is not a time for recriminations, nor is this a time for allegations and accusations. President, this is a time for reconciliation. We should lead our students and protesters in the street in a peaceful manner, and then lead them to walk the road of love for the country and love for Hong Kong. If we keep challenging them, we are giving them a road to despair. For the next 30 years, their hearts will be filled with hatred. This is something which we do not want our next generation to be. I urge colleagues to be fair, forget about politics, forget about the votes in 2016. Let us work together for conciliation and for the good of Hong Kong. Thank you.

(Mr WONG Kwok-hing stood up)

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, what is your point?

MR WONG KWOK-HING (in Cantonese): President, as you stated earlier, we can make a clarification only after a Member has finished speaking. Since Mr Abraham SHEK has apologized to me towards the end of his speech, I do not wish to waste the time of Members. Thank you.

MR MARTIN LIAO (in Cantonese): President, the class boycott which has ended up occupying Central has so far lasted for 20 days. It is a large-scale unlawful demonstration and assembly occupying the major trunk roads and public accesses in the heart of Hong Kong, which has seriously affected the normal life of most Hong Kong people and dealt a blow to the rule of law and international reputation of Hong Kong.

President, I understand the aspirations of the occupiers and respect their different views. Nevertheless, the continual occupation of the major trunk roads in the heart of Hong Kong has done severe damage to the community as a whole. Occupy Central has lasted for 20 days and is gradually heading to the tipping point where no sensible member of the public can tolerate anymore.

Although the Occupy Central movement has not adversely affected the economic lifeblood of Hong Kong to date, it has undermined the international image of Hong Kong and shaken the international community's confidence in

Hong Kong. It is believed that recovery will take some time. President, an eventual recovery is already a very fortunate outcome of this misfortune. More importantly, Occupy Central has dealt a deadly blow to many small enterprises, and people who have lost every penny invested are not few in number. In particular, to those who are engaged in the transport industry, whether Occupy Central will become a sustained campaign may be an issue of life and death. They are also members of the public in Hong Kong, and they have now become the backbone of anti-Occupy Central campaign. The rallied occupiers may have a job free from any impact of Occupy Central, while the students rally may be well looked after by their parents and lead a carefree life. However, those members of the public also have the right to work and live a normal life, as well as the responsibility of a breadwinner. Also, they have clearly stated their understanding and respect time and again, and some of them even approve of the aspirations of Occupy Central. But in return, the occupiers have resorted to unlawful means, depriving them of the right to work, be a breadwinner and pursue a normal life. So how are they going to compensate these people? The life and livelihood of numerous innocent families have been affected and put at risk. How can they bear to see that? I believe most Hong Kong people are eager to wake up from this nightmare and hope that social order will be restored as soon as possible.

President, since 26 September, the Police's handling of demonstrations and rallies has come under fire by some people in society. The deployment of tear gas on 28 September marked the beginning of a series of events, including the resistance and confrontation in the course of police removal of barricades set up by protesters at the occupied area in Mong Kok, the alleged assault the day before yesterday by seven police officers on a protester who had squirted liquid onto police officers, and so on.

In the past three weeks, facing huge masses of people participating in unlawful assemblies, the Police have been on high alert and taking every step cautiously in addressing this social unrest which has put the whole territory under threat. Before making harsh comments on the approach adopted by the Police, would everyone please think about what the Police, as guardians of law and order in Hong Kong, have contributed in the past three weeks?

While coping with multiple sections occupied by protesters in various areas, police officers also have to separate opposing sides with conflicting positions who scuffle, engage in verbal battles and resort to violence at a point of

emotional intensity. The difficulties in law enforcement as well as the physical and psychological pressure borne by front-line police officers are beyond imagination. In large-scale unlawful assemblies, front-line police officers are required to work on shifts day in and day out. Very often, police officers are no match for great masses of people, but they are bound to face up to the protesters who keep advancing. With both hands raised in the air, the protesters are in fact holding umbrellas and clad in goggles and face masks, well prepared to charge the police cordon lines. Even though anti-riot squads have been deployed, they have exercised the utmost restraint in handling protests. Front-line officers have retreated to their cordon lines, taking the situation in stride. Most of them are just standing guard behind mills barriers.

The use of tear gas on 28 September remains a controversial issue in society so far. Although some people have expressed understanding and support, many question and criticize the Police use of unnecessary force, thinking that it has undermined the reputation and professional image of the Police Force.

According to the explanation given by the field commander to the media after the incident, given the dire situation at the time and the repeated warnings which turned out to be futile, in order to stop protesters from charging further, a safe distance had to be created to prevent any injury to the protesters and police officers caused by the charging acts. As the situation was getting worse, he came to the judgment that tear gas should be deployed with no intention to hurt anyone. Afterwards, the Police also stressed that they had no alternative but to take that action. However, some people still refuse to accept their explanation after all. President, Hong Kong is a society where the rule of law prevails. In the course of effecting enforcement and maintaining law and order, the police use of force must be well-founded and in keeping with the relevant guidelines. Meanwhile, it is also reasonable and justifiable for the public to raise various concerns. Both the Complaints Against Police Office and the Independent Police Complaints Council have received complaints against the Police's handling of demonstrations. For the alleged assault on a protester apprehended, the Police have even designated a special investigation team to deal with it in a fair and serious manner. I believe various monitoring and complaint mechanisms will be instantly activated to look into the matter in a fair and impartial manner. And 37 of our Members presented a petition the day before yesterday requesting the formation of a select committee to conduct a comprehensive inquiry into the Occupy Central incident, including the Police's handling of the incident, whether the use of tear gas was justified at that time and whether excessive force was

used. Offices responsible for monitoring and handling complaints as well as the select committee of the Legislative Council will uncover the facts, report findings to the whole society and present the truth to the public.

I cannot come to any conclusion about the use of tear gas before the relevant inquiry is concluded, but I still wish to stress three points here:

(1) the demonstration areas are like battlefields, where heavy reliance must be placed on the Police and their commanders to make professional judgment and determine corresponding measures in the light of the prevailing situation and circumstances;

(2) the first round of tear gas was used at about 6 pm on that day. I was working at that time, and it was not until I got a message from my family that I came to know about it. At first, I was also a bit taken aback. Afterwards, I reviewed different video clips and footage on the Internet, all showing that masses of protesters were charging the outer cordon line mounted by the Police at that time. What followed was the firing of tear gas. Once protesters participating in unlawful assemblies depart from their avowed peaceful approach, go back on their promise of a non-violent movement and charge the police cordon line, they no longer have any justification or hold on the moral high ground to blame, criticize or denounce the Police use of tear gas; and

(3) the failure of the Police to rein in the situation effectively or maintain public peace effectively is not conducive to Hong Kong. What will come as a result of this? I believe everyone can imagine the outcome. I have this question for the rallied masses. Will such consequences do any good to your aspirations? And I would also like to ask the entire community of Hong Kong these questions. Can we bear such consequences? And are we prepared to allow ourselves to be hijacked and bear such consequences? Or are we prepared to pay the resultant political and economic price? How are Occupy Central organizers going to compensate us for the price we have paid?

Mr Abraham SHEK mentioned *Les Misérables*, the famous novel of Victor HUGO, earlier on. In fact, this classic has been made into the musical Les

Misérables. I have heard many organizers teach us to sing the song "Do you hear the people sing?" I hope that there will be no need for them to teach us to sing the song "Empty chairs at empty tables" in the future. I think those who have watched Les Misérables will understand what I am talking about. If they do not, they should ask their organizers to enlighten them.

President, since the outbreak of Occupy Central, front-line police officers have been maintaining law and order with perseverance and untiring devotion. They have not only been facing all kinds of pressure, verbal abuses, insults, criticisms and blame, but also standing fast in their positions in a dire and dangerous situation day in and day out. They exercise restraint, uphold professional neutrality and fully discharge their duties to serve the community in an impartial manner, come rain and shine. As a front-line police officer said, they see no yellow ribbons or blue ribbons, just law-abiding and law-breaking acts. Their professionalism and selfless contribution have won them gratitude and extensive support from the community.

I look forward to the resumption of rational dialogue between the Government and the HKFS, and I am glad to learn that it will be held next week. I sincerely hope that both sides will do their utmost to seek a solution to the incident because in an attempt to avoid consequences which most people in Hong Kong dread to see, the current approach seems to be the only way out.

President, I so submit.

MR ANDREW LEUNG (in Cantonese): President, the incident in which roads are illegally occupied by citizens has entered its 20th day, meaning Harcourt Road and Tim Mei Avenue off the Legislative Council Complex have been illegally occupied by protesters for over half a month. This is what I have been seeing on return to the Complex every day. I learnt from the news report this morning that the Police have cleared barricades in Mong Kok and Causeway Bay since 5 am, reopening some of the trunk roads which have been occupied for days. I hope and urge the protesters not to illegally occupy streets again and return the roads to citizens and road users so that everyone's life can get back to normal as soon as possible.

President, in the past 20 days, it is true that we have seen that most of the students and protesters participating in the assembly are indeed peaceful and

sensible and also behave in a very orderly manner. Just as some Honourable colleagues have mentioned earlier, they helped clean the venues and young students in school uniforms did their homework. That such a large-scale assembly can indeed be so calm demonstrates a most unique characteristic when compared to demonstrations in other countries and regions. But no matter how peaceful they have been, there is one undeniable fact, that is, they have used illegal means to occupy roads. These unlawful acts have greatly affected citizens who live in the occupied areas and those going there for school, work and daily activities.

In these three weeks, I have seen the SAR Government exhibiting unlimited forbearance and utmost toleration. Government officials in charge of the political reform made efforts to contact the student groups in the hope of finding space for dialogue. I have also seen police officers showing a fair amount of restraint in the face of continuous provocation and even insults.

Many friends of mine could not help telling me, "Why do the Police not enforce the law? Prolonged toleration will only result in indulgence." Some people even asked, "Does it mean that as long as you get enough people to engage in illegal activities you will not be arrested and what you do will even become legal? Does it mean that as long as you hoist the banner of young people persisting with their so-called "lofty ideals" you have every right to occupy the public space, set up barricades and take over the roads? Even when law-enforcement officers are trying to take actions in accordance with the law, does it mean that you can hurl verbal abuses and resort to violence? And does it mean that when you are arrested, with the back-up by lawyers, you do not have to bear any criminal responsibility?"

In the developments since 26 September, I have seen the Chief Secretary for Administration and relevant officials making positive efforts to seek dialogue with the HKFS. Sadly last Thursday the academia announced a new round of non-co-operation movement, restated their demand for withdrawal of the NPCSC decision and insisted on civil nomination which is not in compliance with the requirements of the Basic Law. They further called for more citizens to take part in the unlawful assembly. All of these rocked the foundation of dialogue, forcing the SAR Government to cancel the dialogue originally arranged for the afternoon on 10 October.

In the past week, I know that relevant officials in charge of the constitutional reform have not given in. They have been trying hard to contact the students through other various channels with the hope of reopening dialogue. Yesterday, we saw that the SAR Government exercised accommodation once again and demonstrated goodwill in the announcement that they had got in touch with the HKFS again through a middlemen, hoping the dialogue could be arranged as soon as possible. The SAR Government further stated clearly that the dialogue could take place as soon as next week. A university vice-chancellor will be invited as the host for the occasion. I hold great expectations for this and hope the students will cherish this opportunity.

Hong Kong is a society that upholds the rule of law. My colleagues in the Business and Professionals Alliance for Hong Kong (BPA) and I expressed deep regret for the boycott of class assembly turning into a conflict and condemned all unlawful acts of assault on law-enforcement officers. It is absolutely unacceptable for anyone to incite and instigate students to sabotage the peace and stability of Hong Kong by unlawful actions. As regards law enforcement by the Police during this period, I believe most of the actions were taken in strict accordance with the law and their rules. Facing severe pressure and challenges, those seven police officers who are suspected of beating up a subdued protester were stupid in their conduct. But I believe the Police will investigate and handle the case impartially. Just like other Hong Kong citizens, I consider there is a need for the Police to give an explanation to the public to prevent the public from developing the misunderstanding that the Police cover up and tolerate illegal acts.

When the media and some members of society keep scolding the Police for arresting and treating the protesters brutally, I have received over these past few days footages showing police officers being charged at violently and even hit in the occupied areas. Early this morning I again received a new clip, the one that Ir Dr LO Wai-kwok also mentioned just then, which shows the occasion of three police officers being besieged by hundreds of protesters on Lung Wo Road off the Legislative Council Complex early in the morning on 16 October. In the clip, I saw three police officers being surrounded by a lot of protesters who continuously swore at them. In the course someone attempted to "snatch the offender". The three officers could only wave their batons in defence and not get away from the predicament until reinforcement arrived and used pepper spray to disperse the mob.

President, I believe everyone in this Chamber shares one view of mine, that is any law-breaker, no matter if he or she is a citizen or a law-enforcement officer, has to be punished in accordance with the law. In Hong Kong, everyone is equal before the law.

Besides this incident, the overall standard of performance of the Police has been fairly high and professional throughout these 20 days. The removal of barricades the day before yesterday and this morning, whether in Admiralty or on the highly risky Nathan Road in Mong Kok was conducted peacefully. Both the Police and the protesters demonstrated restraint. This makes us Hong Kong people proud.

President, Hong Kong has always been a peaceful society and citizens are sensible and reasonable. I understand that there are different voices in society but we all have to use lawful, sensible and peaceful means to express them.

We often say in this Chamber that politics is an art of compromises; and political issues should be resolved by political means. The incident has been going on for three weeks; students have been sleeping on the street for three weeks; and front-line police officers have not been able to properly meet with their families for three weeks. We hope this tense situation will end as soon as possible. The people of Hong Kong, students, protesters, the Police and the SAR Government should all calm down and take a step back to look for a solution. Everyone taking a step back will give us more time to find a way out for Hong Kong. Regarding the road to universal suffrage in Hong Kong, we must tread it in strict accordance with the Basic Law. At this critical moment, we need the people of Hong Kong, especially the young people, to bring their political wisdom into play and help Hong Kong take this important step towards universal suffrage.

President, I also need to say a few words to the students and protesters: yesterday the Government stated publicly that they are making communication with the students through a middleman with the hope of opening a dialogue next week, and suggested inviting a university vice-chancellor to host the dialogue. I earnestly hope that both parties will cherish this opportunity, not bothering about whatever prerequisites or using the dialogue as a bargaining chip but to sit down to talk things out seriously. Meanwhile, all citizens and students participating in the protest, I plead that you evacuate peacefully as soon as possible to the people of Hong Kong resume their normal life and the public anger to cool down so as to enable a turning point for the incident.

Lastly, the Police have demonstrated a high standard of professional performance with a fair amount of restraint. I expect them, especially the front-line officers, to not be defeated by individual incidents. The people of Hong Kong support you.

I so submit.

MR JAMES TO (in Cantonese): President, originally I have put down in my draft speech the details of the handling of this incident by the Government and the Police during these some 10 days, but since many Honourable colleagues have cited these details in their speeches, I wish to raise the level of discussion on this topic a little bit.

What we are tackling is in fact a political problem and it is not merely a question of whether certain details are lawful or otherwise. The Chairman of the Standing Committee of the National People's Congress (NPCSC), ZHANG Dejiang, once said that it was the hope of the Central Authorities to realize the goal of returning the Chief Executive in 2017 by "one person, one vote". The Taiwanese President, MA Ying-jeou, quoted in an address during the Double Ten celebration a remark made by the late Mr DENG Xiaoping, that it was hoped that a portion of the people should be allowed to get rich first. He then called upon Beijing and posed the question of whether a portion of the people in China, that is, the people of Hong Kong, should be allowed to have democracy first?

The *United Daily News* carried an editorial on 10 October and, after reading it, feelings swelled in me. The original of this editorial has a lot of difficult words and if I am to read it out in full, Members may think that I am reading the wrong words and may not understand what I am talking about. So I will recount that editorial of the *United Daily News* on 10 October in vernacular Chinese instead of classical Chinese as found in the original. I would also use words that are readily comprehensible. I must make it clear first that if my interpretation is not correct, I have to be responsible for it. But I must say that my rendition is based on the editorial of the *United Daily News* on 10 October.

The title of the editorial reads to the following effect: "Rule the country by law: the starting point of dialogue between Beijing and Occupy Central". The contents of the editorial are largely as follows: Hong Kong established the rule of law after a painful experience of colonial rule of over a century. And the

Communist Party of China, having come to power for 65 years, has to come to a discussion of ruling the country by law. For more than 10 days in the past, Hong Kong has been standing at crossroads and engaging in an Umbrella Confrontation, why should it not seize the opportunity to look for an answer to the question of ruling by law?

This is the path of ruling by law where Hong Kong and China criss-cross. This is a struggle for democracy. And we might as well come back to jurisprudence and discernment, then conclude that the NPCSC decision on the Chief Executive election in Hong Kong is definitely not law but only a political guideline or principle. The dialogue between the Hong Kong Government and the students is about to begin and both sides should try to untie the knot of the NPCSC decision, come back to the Basic Law and find common grounds.

Hong Kong is like a pearl formed by the tears of the Opium War and the lustre that radiates from it is not the light of democracy, but the rule of law. The British Empire enacted laws that are fair and just to win the hearts of the people on the island. It has forged a tradition of the rule of law, hence accounting for the lustre of Hong Kong, and its miraculous rise as a financial hub in the East. But there is really no genuine rule of law in Hong Kong because it is not protected by democracy, so at best Hong Kong is only ruled by law. This is not genuine rule of law. The Occupy Central movement and the Occupy Hong Kong struggle are actually an attempt to put democracy into practice, hence elevating Hong Kong from rule by law to true rule of law.

On the other hand, Beijing is clearly seeking an elevation in its governance. In the Fourth Plenary Session of the Eighteenth Central Committee of the Communist Party of China (CPC) which is to be held from the 20th of this month to the 23rd, there will be an unprecedented discussion on the rule of law. It is a cry in echo with the times. China must elevate from the level of rule by man and rule by the party to rule of law. The CPC must come to a great awakening, realizing that lawlessness with which MAO Zedong landed China in turbulence and trouble for 30 years is also the root cause of plots of people like BO Xilai and ZHOU Yongkang. It is more so the culprit of rampant corruption in China.

XI Jinping strives to fight corruption. But the reliance on the Central Inspection Groups of the CPC Central Commission for Discipline Inspection, a body which can be likened to a secret police, can only achieve skin-deep results but not dismantling of the structure. A tradition of rule of law, that is, the CPC

should obey the law and the law will rule over the CPC is definitely the right path to take for the CPC if it is to prevent itself and the country from perishing. But when China which is ruled by the CPC is moving in the direction of rule of law, should Hong Kong which is already upholding the rule of law be moving in the opposite direction?

About the dispute over the Chief Executive election in Hong Kong and according to common sense under rule of law, the result can be anticipated. The decision made by the NPCSC on 31 August has superseded the Basic Law. The Chief Executive of Hong Kong is to be returned according to stipulations set out in Annex I to the Basic Law. Section 7 of Annex I stipulates: "If there is a need to amend the method for selecting the Chief Executive for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval."

This is the so-called "three-step process". But in June 2004 the NPCSC made a supplementary interpretation of this section and two additional parts were adopted, hence the "five-step process". The two parts added are: first, on the question of whether amendments should be made, the Chief Executive shall submit a report to the NPCSC; and second, the NPCSC shall confirm it according to stipulations in the Basic Law, the actual circumstances in Hong Kong and the principle of gradual and orderly progress.

Based on this, Chief Executive LEUNG Chun-ying needs only submit a report to the NPCSC on the question of whether amendments should be made to the method of selecting the Chief Executive and the NPCSC can only confirm whether or not there is such a need for amendment. It cannot wilfully add political conditions like the candidates must love the country and love Hong Kong, or that there should be at least 50% of the members of nominating committee agreeing to any nomination, or that only two or three candidates should be nominated.

These conditions at most can only represent the political aspiration or political guideline of the seven members of the Politburo Standing Committee. This is not law *per se*. The NPCSC conferred power on itself by adding two more steps to the process and now it has added three more hurdles with this

self-conferred power. It is utterly an attempt to slip in an additional condition and muddle through. This is in contravention of the law and it is far from being normal.

Coming back to the Basic Law. It is not only a matter for Beijing and LEUNG Chun-ying, but also an obligation of the Hong Kong citizens and the Occupy Central protesters. According to Article 45 of the Basic Law, the "ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." The origins of the nominating committee show that it is a statutory mechanism and there is no possibility that another mechanism can be created.

Obviously, the nominating committee is the highest common factor, so to speak, between Beijing and the Umbrella protesters. The protesters should return to the framework of the nominating committee and fight for the element of civil nomination in it. For Beijing, it should act according to democratic procedures under the relevant laws and regulations, and open up a certain proportion of the nominating committee membership to be returned by polling the citizens of Hong Kong. The rule of law in the Chief Executive election is a touchstone for rule of law as advocated by the Fourth Plenary Session of the CPC. Should the NPCSC force Hong Kong to swallow this unlawful order, it clearly insults the determination shown in the Fourth Plenary Session of the CPC to launch a reform. This rule of law should be the starting point of the dialogue between Beijing and Hong Kong, and it should also be the ultimate goal.

President, why have I rendered this editorial in the *United Daily News* in such detail? Because I think after the conclusion of the Fourth Plenary Session and if the spirit of rule of law is to be applied to all parts of China, then we should find out whether or not this decision made by the NPCSC in end-August has superseded the procedure specified in the five-part process as laid down in 2004.

Actually, few commentaries have been made on this topic as detailed as this editorial. There is, however, this writer named Sze Lo who published an article in the *Apple Daily* in end-September and it can rightly be regarded as the most detailed discussion on the topic I have ever come across. But I do not have the time to read out his lengthy exposition. The people of Hong Kong hope for a way out and a basis for dialogue. I think it may not be possible for this dialogue to be completed before the convening of the Fourth Plenary Session. So I hope that if the state leaders have heard the cries of Hong Kong people and

the views and reactions of the Taiwanese who speak out through their President MA Ying-jeou on the practice of democracy in Hong Kong and the possibility of reunification with China, they should try to analyse and understand them and consider them carefully along this line. Then they should be able to make a wise decision.

PRESIDENT (in Cantonese): Members who are in attendance have all spoken. As Members have spoken on the motion, I now call upon the Secretary for Security again to speak on the motion.

SECRETARY FOR SECURITY (in Cantonese): President, I express my gratitude to all Members who have presented their speeches and views in these three days.

As I have thoroughly talked on such issues as the Government's approach in handling public views, peaceful assemblies, processions and protests, and made clear the point that people should observe the law and respect others in expressing their opinions in the oral question session on Wednesday and my opening remarks in this adjournment debate, I will not repeat them here.

The motion for the adjournment of the Council moved by Mr Alan LEONG concerns the approach adopted by the SAR Government and Hong Kong Police Force in handling public assemblies since 26 September this year and the extent to which force has been used subsequently. Some Members think that in view of the peaceful means adopted by the public and in the absence of any violent charging act, it is absolutely unnecessary for the Police to clear the scene using an anti-riot approach this time around. Also, they might have used excessive violence, or even abused their power, according to them. I beg to differ from these accusations, and feel obliged to voice my adamant objection. On the other hand, many Members remarked that the police decisions made on 27 and 28 September were difficult yet proper in the light of the situation then. They also understand and support that it is necessary for the Police to take decisive enforcement actions, so as to stop unlawful acts and restore public order as soon as possible.

In addition, a number of Members mentioned the incident in which police officers are alleged to have applied excessive force. In this connection, the Police have issued a statement stating that they will certainly handle the case in a

serious manner and launch an impartial investigation without any bias. Also, they will not tolerate any unlawful act by their officers. There are established mechanisms and laws in Hong Kong to handle such cases. I urge Members to affirm what is right and condemn what is wrong, and refrain from politicizing the incident. In my view, the public perception of the Police should not be affected by an isolated incident. In the past dozen days, the Police have been exerting their utmost to handle the Occupy Central incident with one heart, maintaining public order and safety throughout Hong Kong and exercising the maximum tolerance of unlawful assemblies. All of these are evident to all.

I have to stress that the Police are a professional enforcement force. In many public demonstrations, very often, protesters hold the view that the existing law and legal system do not meet their expectations or demands, thus resulting in frequent cases of charging police cordon lines and physical clashes. Protesters and their supporters alike have gradually developed a misunderstanding about the Police serving as an enforcement force, thinking that police officers are unfair to them and the latter's maintenance of order amounts to suppression. This is most regrettable indeed.

However, when Members have settled their mind, they may think about this: If the Police are really formed by a group of unprofessional and partial police officers who abuse their powers, will Hong Kong still be such a safe city with such a low crime rate as of today? I believe as long as Members care to pause and make an objective analysis with a cool head, they will pass fairer comments on our Police Force.

In the past 20 days, I have heard many people comment on the recent incidents. I think members of the public should also get a picture of the first-hand feeling of those police officers who were on the scene back then.

On 5 October, an interview was published in a newspaper with the interviewee being a field commander who was on duty at Admiralty on the day in question. According to the field commander, on that day, some protesters standing at the forefront behaved very violently towards police officers who were maintaining order on the scene. Some attacked police officers with umbrellas, while others threw kicks. Before taking actions, the Police had repeatedly broadcast and displayed warnings. However, a number of protesters still attempted to breach the police cordon line. The use of Oleoresin Capsicum foam had failed to achieve any effect. In view of the attempt to breach the

police cordon line by huge masses of protesters, he decided to deploy tear gas after an assessment of the situation.

Through television and online footage, everyone can see what happened as described by the field commander. I must make one point categorically clear here. As an enforcement agency, the Police have a statutory obligation to maintain public order. The decision of the front-line commander on that day was made out of his professional judgment. As the commander stressed, if tear gas was not deployed back then, the protesters would have breached the police cordon line, thus jeopardizing public safety, or even resulting in a tragic stampede. He also remarked that as public safety was seriously at stake, he did not regret his decision, and that he would make the same decision in case a similar situation recurred in the future.

I support the decision of this commander. The tear gas deployed on that day did cause temporary discomfort to people on the scene, but tear gas in itself is not designed to harm the crowds under normal circumstances. It only serves to stop the violent charging acts staged by swarming protesters, and create a safe distance between police officers and the crowds charging towards them, so as to reduce the chance of injury being caused to both sides. Let me cite one more example. In a recent assembly held in East Pakistan, due to the large number of participants on the scene and the lack of proper arrangement, a stampede occurred at a later stage causing heavy casualties. In retrospect, if the Police did not deploy tear gas on that day, the protesters might have breached the police cordon line. When enormous crowds crashed their way forward, the dire consequence of a stampede involving a large number of falls, trampling accidents, serious injuries or even fatalities was highly probable. In any event, if tear gas was not deployed, the situation would only have gone worse, and the public would have accused the Police of not taking decisive enforcement actions. For this reason, I do not accept the criticism that the Police have applied excessive force.

Having said all this, what is the feeling of those front-line police officers who have been working without rest in the past 20 days? Let me share with Members an email written by a front-line police officer on 28 September after working day and night on end. He said "Once in my uniform, I am a professional police officer. Just like a doctor, he will not refuse to rescue people or rescue them on a selective basis … I understand your (he is referring to the protesters) role, and I understand your rationale. But sorry, I will not stand on your side … please do not question or provoke me during processions and

demonstrations because whatever remarks or curses you make. I cannot bring myself to say anything in return, and I can only refrain from shouting back … please understand the role of police officers. We are not your enemies. Please do not tell me that you, in your role, are people with thinking and that we, in our role, have no thinking. Please do not insult me or even my family members just because we have different roles to play."

Speaking of families, I must talk about the family members of police officers. Every day, they have to worry about the danger and challenge faced by their family members at work.

During Occupy Central, protesters occupied major trunk roads, and police vehicles carrying supplies were denied access to the Central Government Offices (CGO) by them. On 3 October, the wife of a sergeant, being worried that her husband who had been tied down by a protracted operation at the CGO was unable to take hypertension medicine on time, anxiously went to the CGO to deliver the medicine. Unfortunately, she was blocked by the protesters and thus, unable to give the medicine to her husband by herself without delay, leaving her extremely unsettled, anxious and helpless. On another occasion, when some police officers participating in the operation suffered injuries, the ambulance also could not arrive on the scene in time to convey them to the hospital for medical treatment. I strongly believe that their family members were deeply aggrieved and distressed. According to a police clinical psychologist, throughout her many years of service with the Police, she has never dealt with so many cases of police officers seeking psychological counselling and assistance as on this occasion.

I reiterate that in the operation to handle Occupy Central, the Police have all along been upholding professionalism, discharging their duties in an impartial manner, exercising a high level of restraint and treating every large-scale unlawful assembly with the maximum tolerance. In the course of crowd control, with no other alternative, the Police have applied appropriate force in accordance with the guidelines. Before using force, the Police have tried their best to give warning to the relevant parties and given them every opportunity, whenever practicable, to obey police orders. The use of force is only the last resort.

On the issues of constitutional reform and Occupy Central, many people hold strong views. Some of them may feel bad about the police enforcement actions against relevant parties attending unlawful assemblies. Nevertheless, I

hope that after a series of conflicts, people can look at this incident with an unbiased attitude, try to step into others' shoes, understand the role played by the Police and continue to support police work. It is because a Police Force trusted and supported by the public is vital to the maintenance of stability and prosperity of our city. On the contrary, if the reputation of the Police is undermined, the only winner will be criminals, and this will do no good to society.

I trust that it is the common hope of all parties in the community to resolve the prevailing issue peacefully and legally, bring an early end to the current problem of road obstruction and social conflicts, and enable people's life to resume normal.

As Mr Justice Bokhary of the Court of Final Appeal remarked in the case of *Yeung May-wan & Others v HKSAR*, "The law also calls upon demonstrators to accommodate other people's rights — For that purpose demonstrators have to tolerate some interference with their own freedom to demonstrate. Such tolerance is expected of demonstrators however strongly they may feel about their cause."

I notice the statement issued by the Hong Kong Bar Association on 8 October, in which it is pointed out that prolonged and widespread occupation of public places and roads has caused excessive damage to the community. Such conduct of civil disobedience is potentially unlawful. Even if a participant prosecuted for an offence justifies his act by reference to the concept of civil disobedience, it does not constitute any defence.

President, Occupy Central has lasted for 20 days. I hope that everyone will seek ways to resolve the dilemma, and replace continual radical confrontation with a selfless heart, broad vision and breadth of mind, a peaceful mind, a cool head, as well as rational and tolerant discussions, so that social order can be restored in Hong Kong and the daily life of people resumed.

Thank you President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That this Council do now adjourn. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr WONG Kwok-hing rose to claim a division.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing has claimed a division. The division bell will ring for five minutes.

MS CYD HO (in Cantonese): President, will you please explain to Members one point. In respect of the motion for adjournment of the Council, Members will usually vote against it. Yet, we would like to know whether the meeting will continue next Wednesday or it will end today. Is there any actual difference for us to vote for or against the motion?

PRESIDENT (in Cantonese): Members, if this motion for adjournment is passed, I will adjourn the meeting according to Rule 16(3) of the Rules of Procedure. If this motion is negatived, I will adjourn the meeting according to Rule 14(5) of the Rules of Procedure.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TO, Mr Frederick FUNG, Prof Joseph LEE, Mr CHEUNG Kwok-che, Mr Charles Peter MOK, Mr Kenneth LEUNG and Mr IP Kin-yuen voted for the motion.

Mr Andrew LEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Mr KWOK Wai-keung, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu and Mr Tony TSE voted against the motion.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Ronny TONG, Ms Cyd HO, Mr Alan LEONG, Mr Albert CHAN, Ms Claudia MO, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN and Mr SIN Chung-kai voted for the motion.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr Paul TSE, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Christopher CHUNG voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 19 were present, seven were in favour of the motion and 12 against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, 12 were in favour of the motion and 13 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): According to Rule 14(5) of the Rules of Procedure, I now adjourn the Council until 11 am on Wednesday 22 October 2014.

Adjourned accordingly at 1.39 pm.